



Allan G. Bense, Speaker

Colleges & Universities Committee Meeting

**January 26, 2006
Reed Hall, 1:00 PM – 2:45 PM**

**Allan G. Bense
Speaker**

**David Mealor
Chair**



Florida House of Representatives
Allan Bense, Speaker
Colleges & Universities Committee

David Mealor
Chair

Larry Cretul
Vice Chair

Meeting Agenda
Thursday, January 26, 2006
Reed Hall, 1:00 – 2:45 PM

- I. Convening of Meeting and Call to Order**
- II. Roll Call**
- III. Opening Remarks**
- IV. Presentation on Board of Governors Interim Project**
Dr. Betty Tilton, Staff Director
Colleges & Universities Committee
- V. Closing Comments / Meeting Adjourned**

Interim Project

Florida House of Representatives
2005-2006 Interim Project Summary Report

Project Title: Higher Education Statutes/Board of Governors

Staff Responsible: Betty Tilton and Jennifer Hatfield

Council/Committee: Education Council/Colleges & Universities Committee

BACKGROUND: In the 2002 General Election, Floridians amended the State Constitution to require, effective January 7, 2003, a single state university system comprised of all public universities with a 13-member board of trustees administering each university and a 17-member statewide board of governors to govern the state university system (see Section 7 of Article IX of the State Constitution). The 2003 Legislature enacted ch. 2003-392, L.O.F., to reflect the adoption of this amendment.

During the interim following the 2004 Legislative Session, staff of the Education K-20 Committee conducted an interim project to identify statutory changes needed to implement Section 7 of Article IX of the State Constitution. Legislative staff, in conjunction with a workgroup comprised of representatives from the Department of Education, the Education Policy Unit of the Governor's Office of Policy and Budget, and state universities, identified and reviewed nearly 800 statutes. Over 350 of these statutes were categorized as needing further review with amendment or repeal a possible outcome.

The 2005 Legislature enacted ch. 2005-285, L.O.F., (see HB 1001) to clarify the lines of authority and constitutional duties of the Board of Governors and the Legislature with regard to the State University System and to declare the intent of the Legislature to reenact laws relating to the Board of Governors of the State University System, the university boards of trustees, the State Board of Education, and the postsecondary education system in accordance with the findings stated in the bill.

PURPOSE OF THE INTERIM PROJECT: The purpose of this interim project is to produce a proposed committee bill that reflects the changes to the State Constitution with regard to the State University System using the results of the review conducted following the 2004 Legislative Session with any updates needed to reflect laws enacted during the 2005 Legislative Session and the guiding principles set forth in ch. 2005-285, L.O.F.

METHODOLOGY: This interim project was conducted in two phases – a review of current statutory provisions to identify the statutes that may need change to reflect the adoption of the Board of Governors constitutional amendment and the development of a proposed committee bill using the results of the statute review and the provisions of ch. 2005-285, L.O.F., as guiding principles.

(1) REVIEW OF STATUTES: In order to identify any statutory changes needed to implement Section 7 of Article IX of the State Constitution, committee staff identified a number of terms and phrases to use in computer searches of the Florida Statutes and Laws of Florida. The search terms included: Board of Governors; Board of

Regents; State Board of Education; university president; university presidents; university board of trustees; university boards of trustees; state university; state universities; University of Florida; Florida State University; Florida Agricultural and Mechanical University; University of South Florida; Florida Atlantic University; University of West Florida; University of Central Florida; University of North Florida; Florida Gulf Coast University; New College; Division of Universities; Division of Colleges and Universities; and the term "college" in Ch. 1013, F.S. The computer searches following the 2004 Session resulted in the identification of over 800 statutes that included one or more of the search terms.

The 800 statutes were entered into an EXCEL document that included each statute number and catchline, the search term or terms found in the statute, and a brief summary of the statute. A workgroup was formed with staff from the Department of Education, the Educational Policy Unit of the Governor's Office of Policy and Budget, and the state universities to review the identified statutes and submit comments to legislative staff. To facilitate the submission of comments by the workgroup and to provide the opportunity for any member of the public to submit comments, the Office of Information Technology converted the EXCEL document into a web-based input process linked to the interim project document on MyFloridahouse.com. Deadlines were established for the submission of comments. The Office of Information Technology would convert the comments that were submitted into a new EXCEL document which was distributed to the workgroup. The workgroup met the week following each deadline to review the comments that were submitted.

The searches were also conducted following the 2005 Session to identify any additional statutes that needed review. Members of the workgroup were provided the opportunity to update their earlier comments as well as submit comments on newly identified sections. In addition, comments were solicited from representatives of other entities that could be impacted by any of the proposed changes. These groups included the community colleges, the Independent Colleges and Universities of Florida (ICUF), the H. Lee Moffitt Cancer Center and Research Institute, the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute, and the Florida Institute for Human and Machine Cognition. Committee staff also solicited comments from other offices including the Auditor General, the Division of Bond Finance, the Office of Program Policy Analysis and Government Accountability, and the Office of Economic & Demographic Research.

An EXEL chart that includes a description of the statutes reviewed and the comments received to date will be distributed with the Proposed Committee Bill.

(2) PROPOSED COMMITTEE BILL: On December 7, 2005, the Chairs of the Colleges & Universities Committee and the Education Council submitted a request to the Speaker for permission to proceed with a PCB that revises current statutory provisions in accordance with HB 1001 (2005) and to reflect recent changes to the State Constitution with regard to the State University System. Approval of the request was received December 12, 2005.

The provisions of HB 1001 (ch. 2005-285, L.O.F.) were used to develop guiding principles for the proposed committee bill. Those guiding principles are as follows:

- The Board of Governors belongs to and is part of the executive branch of state government.
- The term “institutions of higher learning” includes state universities.
- The term “public officer” includes members of the Board of Governors.
- State universities are agencies of the state which belong to and are part of the executive branch of state government.
- Statutory exemptions for state universities from statutory provisions in effect on June 2, 2005 remain in effect.
- The constitutional duties of the Board of Governors, or the board’s designee, are to:
 - Define the distinctive mission of each university.
 - Define the articulation of each university in conjunction with the legislature’s authority over public schools and community colleges.
 - Ensure the well-planned coordination and operation of the State University System.
 - Avoid wasteful duplication of facilities or programs within the State University System.
 - Account for expenditure of funds appropriated by the Legislature for the State University System as provided by law.
 - Submit a budget request for legislative appropriations for institutions under the supervision of the Board of Governors as provided by law.
 - Adopt strategic plans for the State University System and each university.
 - Approve, review, and terminate degree programs of the State University System.
 - Govern admissions to the state universities.
 - Serve as the public employer for collective bargaining purposes.

- Establish a personnel system for all state university employees [The Department of Management Services retains authority over state university employees for s. 110.123, F.S. (State group insurance program); s. 110.1232, F.S. (Health insurance coverage for persons retired under state-administered retirement systems before January 1, 1976, and for spouses); s. 110.1234, F.S. (Health insurance for retirees under the Florida Retirement System; Medicare supplement and fully insured coverage); s. 110.1238, F.S. (State group health insurance plans; refunds with respect to overcharges by providers); s. 110.161, F.S. (State employees; pretax benefits program); ch. 121, F.S. (Florida Retirement System); ch. 122, F.S. (State and county retirement system); and ch. 238, F.S. (Teachers' Retirement System).]
 - Comply with and enforce all applicable local, state, and federal laws.
- The constitutional duties of the Legislature are to:
 - Make provisions by law for the establishment, maintenance, and operation of institutions of higher learning and other public educational programs that the needs of the people may require.
 - Appropriate all state funds through the General Appropriations Act or other law.
 - Establish tuition and fees.
 - Establish policies relating to merit and need-based aid.
 - Establish policies relating to expenditure of, accountability for, and management of funds appropriated by the Legislature or revenues authorized by the Legislature, including policies relating to: budgeting; deposit of funds; investments; accounting; purchasing, procurement, and contracting; insurance; audits; maintenance and construction of facilities; property; bond financing; leasing; and information reporting.
 - Maintain the actuarial and fiscal soundness of centrally administered state systems by requiring state universities to continue to participate in programs such as the Florida Retirement System, state group health insurance, SUNCOM, and the state casualty network.
 - Establish and regulate the use of powers and protections, including but not limited to, eminent domain, certified law enforcement, and sovereign immunity.

SUMMARY OF DRAFT PCB: Committee staff used the results of the statute review and the provisions of ch. 2005-285, L.O.F., to draft a proposed committee bill. Staff from other House committees and offices assisted in the review process to minimize the likelihood of unintended consequences – particularly in areas outside the School Code. The committees and offices assisting in the project included: House Bill Drafting; Office of the General Counsel; the Economic Development, Trade & Banking Committee; the Education Appropriations Committee; the Finance & Tax Committee; the Elder & Long-Term Care Committee; the Future of Florida's Families Committee; the Health Care General Committee; the Governmental Operations Committee; the Military and Veterans Affairs Committee; and the Environmental Regulation Committee.

As previously noted, the provisions of ch. 2005-285, L.O.F., were used as guiding principles in developing the PCB. The PCB strives to maintain access and flexibility while, at the same time, providing for accountability and fiscal responsibility. More specifically, the PCB:

- Repeals certain statutory provisions that are no longer necessary because they are constitutional responsibilities of the Board of Governors.
- Delegates certain functions that are constitutional responsibilities of the Legislature with appropriate guidelines.
- Creates a new section in Chapter 20 (Organizational Structure) for the Board of Governors of the State University System and the board's staff. The PCB removes the Division of Colleges and Universities from the Department of Education. The PCB updates statutory references as needed to reflect the new structure.
- Creates a new section in Chapter 1001 (K-20 Governance) outlining the powers and duties of the Board of Governors as delegated by the Legislature.
- Includes the Board of Governors and university boards of trustees under ch. 120, F.S., (Administrative Procedures Act) when acting pursuant to authority derived from the Legislature.
- Clarifies the powers and duties of the State Board of Education, Commissioner of Education, and Department of Education. The PCB removes powers and duties that relate solely to state universities and requires consultation or coordination with the Board of Governors on matters that involve universities as well as other education sectors.
- Adds references to the Board of Governors where appropriate, such as the recipient of a report.
- Updates or removes obsolete terminology, such as the Board of Regents and the State Board of Community Colleges.

- Corrects drafting errors and makes conforming changes.

A draft of the Proposed Committee Bill will be made available for discussion purposes in January 2006.

Excel Chart

Summary of Review Comments

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments
SU 11.061	State, state university, and community college employee lobbyists; registration; recording attendance; penalty; exemptions		Requires the registration of any person lobbying for the SUS or community colleges.	No Change	
SBE 14.27	Florida Commission on African-American Affairs		Requires the Commission to review state agency functional plans, LBRs, master plans, and policies of SBE for impact on AA	No Change	
SBE 20.15	Department of Education		Designates SBE as head of DOE	No Change (3)(c) Delete - SUS 09/05 Delete (3)(c) - OPB 10/24/05	
BOR 23.21	Definitions		Part II of ch. 23, F.S., relates to paperwork reduction	Remove BOR from the definition of department in (1). Insertion of BOG is not recommended. Remove State Board of Community Colleges.	
SBE 92.16	Certificates of Board of Trustees of the Internal Improvement Trust Fund respecting ownership		Also references SBE. References "other boards" of state.	Review – Land Use. Ensure alignment/ consistency with s. 1001.74 (31), F. S. regarding University Boards of Trustees. Should BOG be included?	
SBE 92.17	Effect of seal of Board of Trustees of the Internal Improvement Trust Fund		Also references SBE	Review – Land Use. Ensure alignment/ consistency with s. 1001.74 (31), F. S. regarding University Boards of Trustees. Should BOG be included?	
none 110.107	Definitions			Revise to specifically exclude state universities from definition of state agency under Chapter 110. Add to (4) "however, for the purposes of this chapter, "agency" does not include the university boards of trustees or the state universities unless specifically provided herein."	Needs further review to determine how HB 1001 provisions re: SU state agency status affect this statute. - OPB 09/05
SU 110.115	Employees of historical commissions; other state employment permitted		Permits staff and employees of commissions to teach at a state university and be paid from more than one appropriation.	No Change	
SU 110.1165	Executive branch personnel errors; limitation of actions for compensation		Provides for remedies for employees against the SU when the SU has presented them with erroneous written payroll data and they have relied on it. Provides a time limit on claims.	Review - Policy. If legislature wants to maintain current policy, leave SUS in this section.	

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Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments
SU 110.117	paid holidays		Exempts certain SU employees from receiving a "personal holiday" each year.	Given change to definition in 110.107, remove specific exemption for SUS; exempted by definition	Needs further review to determine how HB 1001 provisions re: SU state agency status affect this statute. - OPB 09/05
SU 110.123	State group insurance program		Provides for inclusion of the SU and SU employees and retirees in the State Group Insurance Program.	No Change	
BOR 110.131	OPS temporary employment		Exception is provided for employees for whom the "employer" in 447.203(2) is BOR	Remove BOR in (6)(a). (No need to replace with exemption for SUS; exemption not required with change to definition in 110.107)	Needs further review to determine how HB 1001 provisions re: SU state agency status affect this statute. - OPB 09/05
SU 110.1522	Model rule establishing family support personnel policies		Excludes the SU from the requirement to establish a model rule for family support personnel policies.	Given change to definition in 110.107, remove specific exemption for SUS; exempted by definition	Needs further review to determine how HB 1001 provisions re: SU state agency status affect this statute. - OPB 09/05
SU 110.161	State employees; pretax benefit program		Includes SU employees in the pretax benefit plan with other state employees.	No Change	Needs further review to determine how HB 1001 provisions re: SU state agency status affect this statute. - OPB 09/05
SBE; SU 110.205	Career service; exemptions		Relates to FSDDB/SBE; exempts SU, FSDB, & SBE from career service provisions.	Given change to definition in 110.107, remove specific exemption for SUS; exempted by definition	
BOR; SU 112.0455	Drug-Free Workplace Act		Authorizes BOR to adopt rules for SUS implementing the act	Replace BOR with BOG in (13)(d)	
SU 112.19			Law enforcement, correctional, and correctional probation officers; death benefits	Review - Financial Assistance Program. Clarify that SBE adopts rules for program administration in DOE, for implementation in vocational-technical schools, and for implementation in community colleges. The BOG is responsible for implementation in the state universities.	Provide equivalent program at ICUF schools- ICUF 10/25/05

Summary of Review Comments

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments
SU	112.191	Firefighters; death benefits	Provides for education at a SU for the dependents of certain deceased firefighters.	Review - Financial Assistance Program. Clarify that SBE adopts rules for program administration in DOE, for implementation in vocational-technical schools, and for implementation in community colleges. The BOG is responsible for implementation in the state universities.	Provide equivalent program at ICUF schools - ICUF 10/25/05
SBE; SU	112.1915	Teachers and school administrators; death benefits	Relates to K-12/SBE. Death benefits include education for child at a state university.	Review - Financial Assistance Program. Clarify that SBE adopts rules for program administration in DOE, for implementation in vocational-technical schools, and for implementation in community colleges. The BOG is responsible for implementation in the state universities.	Provide equivalent program at ICUF schools - ICUF 10/25/05
SU; UBOT	112.215	Government employees; deferred compensation program	Includes employees of university boards of trustees in the definition of "employee" for purposes of participation in the deferred compensation program	Review. Clarify that advisory council representative in (8)(a)4.a. can be an employee of the state university system or the Division of Colleges and Universities.	
SU	112.24	Intergovernmental interchange of public employees	Provides the SU the authority to enter into public employee interchange agreements and allows for biennial extension of agreements for SU faculty.	No Change	
BOR; SU; UBOT	112.313		Postemployment restrictions; defines 'employee' to mean the Chancellor and Vice Chancellors of the SUS; the general counsel to the BOR; president, vice presidents, and deans of each state university. (12)(h) exempts certain transactions made pursuant to ss. 1004.22 and 1004.23 and approved by UP and UBOT chair. Requires report to Legislature by UBOT chair.	Review. Recommend amending (9)(a)2.a.(V) to remove the "Chancellor and Vice Chancellors of the State University System; the general counsel to the Board of Regents" from the definition of "employee."	Recommended changes ok. This statute was amended by HB 1001 to prohibit legislative lobbyists from serving on BOG or UBOTS. - OPB 09/05

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DU	112.3135	Restriction on employment of relatives	Exempts institutions under the jurisdiction of the Division of Universities of the Department of Education from the term "state agency"	SUS: Amend to specifically apply provisions to UBOTS. This may already apply, look at 112.312(2)	Amend (1)(a)1. A state agency except an institution under the jurisdiction of the Florida Board of Governors. Division-of-Universities-of-the-Department-of-Education, - SUS 09/05 Review in light of HB 1001 state agency status. Possibly amend (1)(a)1 to replace "Division of Universities of the Department of Education" with "Board of Governors." - OPB 10/24/05
none	112.3143	Voting Conflicts	Related to voting on matters that would impact personal gain/loss, etc.	Review. Amend (1)(c)2 to remove BOR. Use title "Chancellor of SUS" instead of "Chancellor of CU". Add UBOT - add new (e)?	Add UBOT members. Statute already says "Chancellor and Vice Chancellors of SUS." - OPB 09/05 (6): Delete "or a state university" - SUS 09/05 Needs further review to determine how HB 1001 provisions re: SU state agency status affect this statute. - OPB 09/05
BOR; SU	112.3145	Disclosure of financial interests and clients represented before agencies	Defines "state officer" to include a member of the Board of Regents, the Chancellor and Vice Chancellors of the SUS, and the president of a state university	Includes SU in definition of "Agency" in relation to the Administrative Procedures Act.	Amend the SUS out of Chapter 120 in favor of BOG procedure. May need a statute providing for access to courts for appeal of rule-making.
SU	120.52	Definitions		Provides for exclusion of rules specific to one SU from the FAC and requires the FAC Weekly be provided free of charge to the SU libraries.	Needs further review to determine how HB 1001 provisions re: SU state agency status affect this statute. - OPB 09/05
SU	120.55	Publication		Provides that the Division of Administrative Hearings shall be reimbursed by entities including state universities and the SBE for services	Amend the SUS out of Chapter 120 in favor of BOG procedure
SBE; SU	120.65	Administrative law judges		No change	
SU	120.81	Exceptions and special requirements; general areas	Provides SU with exemptions from certain sections of Chapter 120.	Amend the SUS out of Chapter 120 in favor of BOG procedure	Needs further review to determine how HB 1001 provisions re: SU state agency status affect this statute. - OPB 09/05

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BOR; UF; USF 121.021	Definitions	Definitions for purposes of FRS; references faculty practice plans operated by rule of the BOR	Excludes certain persons from participation in FRS; references faculty practice plans operated by rule of the BOR	Replace BOR with UBOTS	
BOR; UF; USF 121.051	Participation in the system			Replace BOR with UBOTS	
SBE; SU; UP 121.35	Optional retirement program for the State University System		Includes SBE as "employer". Permits university presidents to participate in ORP	Review - Retirement. Review (2), (6)(a), and (6)(b) to decide role of BOG. Amend (2)(d) to change title to Chancellor of the SUS (instead of Chancellor of CU).	UBOT or BOG designate eligible positions. Employer is UBOT or BOG as appropriate. - SUS 09/05
BOR 159.703	Creation of research and development authorities	Prohibits R&D authorities from transacting business or exercising power until BOR has designated authority	Requires BOR to approve designation as an R&D authority	DOE: Replace BOR with BOG. SUS: Replace BOR with UBOTS.	Replace BOR with UBOTS - SUS 09/05
BOR 159.704	Designation by BOR			DOE: Replace BOR with BOG. SUS: Replace BOR with UBOTS.	Replace BOR with UBOTS - SUS 09/05
SBE 159.833	Definitions	Defines "board" as SBE for purposes of bond financing under the Florida Qualified Public Educational Facilities Private Activity Bond Allocation Act		Review - Bonding	NC- DBF 12/6/05 No Change Recommended - SUS 09/05
UF 161.031	Personnel and facilities		Authorizes DEP to call to its assistance any engineer or other employee in any state agency, department, or in UF or other state-financed educational institution to devise best methods for averting/preventing erosion, hurricane and storm damage	No change	
SU 166.231	Municipalities; public service tax	Provides SU with an exemption from certain public service taxes.		No Change	

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BOR; SU 186.805	Data Bank on Older Floridians		Requires BOR, Division of Universities, DOE, to contract for operation and maintenance of data bank	Replace BOR with BOG	(2) Replace BOR with BOG; delete reference to "Division of Universities of the DOE" - SUS 09/05 (2)(b) Retain reference to "Institutions of the State University System" - SUS 09/05 Amend (2) to delete "Division of Universities." - OPB 10/24/05
SBE	Tax on gross receipts for utility and communications services		Requires CFO to certify gross receipts collections upon request of SBE	Amend (1)(b) to add the BOG	
DU 211.3103	Levy of tax on severance of phosphate rock; rate, basis, and distribution of tax.		Directs a certain portion of revenues for the tax on phosphate to the Division of Universities		4. To the credit of the Phosphate Research Trust Fund in the <u>State University System Division of Universities of the Department of Education</u> , 9.3 percent. - SUS 09/05 Amend (2)(b)3 to replace "in the Department of Education, Division of Universities" with "managed by the Board of Governors." Amend (3)(b)4 to replace "in the Division of Universities of the Department of Education" with "managed by the Board of Governors." - OPB 10/24/05
SU 212.04	Admissions tax; rate, procedure, enforcement		Provides for an exemption from sales tax for certain universities and requires the SU to collect the tax and use it for women's athletics.	No Change	(2): Replace "Division of Universities" with "State University System" Replace BOR with BOG - SUS 09/05 Amend (2) to replace "Division of Universities" with "State University System." - OPB 10/24/05
BOR; DU 215.16	Appropriations for GR fund for public schools, state institutions of higher learning, and community colleges; reduction		Excluded funds appropriated for the general office of the Board of Regents from the general revenue funds provided for public free schools, state institutions of higher learning, and community colleges.	Requires further review – Funding. Replace BOR with BOG	

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BOR	215.32	State funds; segregation Investments; authorized securities; loan of securities	References trust funds under the management of the BOR where such trust funds are for auxiliary enterprises, self-insurance, and contracts, grants, and donations, as those terms are defined by general law.	Amend (2)(b)4.b. to replace BOR with UBOT	No change recommended - SUS 09/05
SBE	215.47		Relates to certain bonds issued by the SBE	Review - Bonding Replace outdated term "Type I Center" with descriptive language for State of Florida center. DOE suggested language: "state-focused, multi-university center"	
SU	215.559	Hurricane Loss Mitigation Program	Relates to SU funding from DCA for hurricane loss research.		
SBE	215.61	State system of public education capital outlay bonds	Relates to role of SBE in PECO bonds	Review - Bonding	
SBE	215.82	Validation; when required	Relates to certain bonds issued by the SBE		NC- DBF 12/6/05 No change recommended - SUS 09/05
BOR	216.0152	Inventory of state-owned facilities or state-occupied facilities	Requires BOR and Division of Community Colleges of DOE to develop and maintain inventory of all higher ed facilities	Amend (1) to replace BOR and Division of Community Colleges with DOE	Amend (1) to replace BOR with BOG - SUS 09/05
SU	216.136	Consensus estimating conference; duties and principals	Relates to the Chancellor of the State University System designation as a principle on the Workforce Estimating Conference.	No Change	
BOR; SBE; SU	216.251	Salary appropriations; limitations Appropriations; undisbursed balances	References classification and pay plan approved and administered by the BOR for those positions in the SUS	Review. Amend (2)(a)3, to replace BOR with UBOT	
SU	216.301		Relates to budget reversions for capital outlay funds for SU projects.	No Change	
SU	216.346	Contracts between state agencies; restriction on overhead or other indirect costs	Relates to indirect costs charged when a SU is a contract recipient from the state.	No Change	
BOR; SU	220.15	Apportionment of adjusted federal income	Requires BOR to certify contracts for members of SUS	Review - Federal. Clarify whether BOR in (4)(c) should be UBOT - SUS 09/05	
SU	238.181	Reemployment after retirement; conditions and limitation	Relates to the SU reemploying retired members.	No Change	

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SBE 250.10		Appointment and duties of the Adjutant General	Requires Adjutant General and SBE to develop educational assistance programs for certain members of the National Guard who enroll in public postsecondary institutions	Amend (7) to add the "Board of Governors" to develop programs for the state university system; (7)(C) to add the "Board of Governors" for implementation of the program in the state university system.	
BOR 252.385	Public shelter space	Unsurveyed marshlands; sale to upland owners	Designates BOR as responsible for coordinating survey of universities with the division or the local emergency management agency.	Amend (2) to replace BOR with UBOT and CCBOT	No change recommended - SUS 09/05
SBE 253.381			Includes reference to SBE as well as Board of Trustees of the Internal Improvement TF	Review - Land Use	SUS 09/05
SBE 253.45			Includes reference to SBE and any other state board	Review - Land Use	No change recommended - SUS 09/05
BOR 255.02	Boards authorized to replace buildings destroyed by fire		Specifically includes BOR	Replace BOR with UBOTs	Remove BOR Reference - SUS 09/05
BOR 255.043	Art in state buildings		Specifically includes BOR	Requires further review. Remove BOR reference.	Remove BOR Reference - SUS 09/05
SU; UBOT 255.0516	Bid protests by educational boards		Permit SU bot that uses ch. 120 process for bid protests relating to educational facilities or public buildings to require bond.	No Change	
SU 255.102		Contractor utilization of minority business enterprises	Requires the Office of Supplier Diversity, in collaboration with the SUS, to adopt rules to determine "good faith effort" for purposes of contractor compliance with minority participation goals for competitively awarded building and construction projects.	No Change	
SBE 255.502	Definitions; ss.255.501-255.525		References certain bonds issued by the SBE	Review - Bonding	
UWF 267.1732	Direct-support organization		Requires UWF to authorize a direct-support organization to assist UWF in carrying out its historic preservation duties for Pensacola, Escambia and West Florida	No change	
SBE 270.11		Contracts for sale of public lands to reserve certain mineral rights; prohibition on exercise of right of entry in certain cases	Includes reference to SBE as well as Board of Trustees of the Internal Improvement TF	No Change	
SU 279.02	Definitions		Includes SU in the definition of "public entity" for purposes of the "Registered Public Obligations Act"	No Change	

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SBE	280.13	Eligible collateral	References obligations issued by the SBE	Review - Bonding	NC- DBF 12/6/05 No change recommended - SUS 09/05
SU	282.0041	Definitions	Relates to definition of "total cost" in relation to IT donations to state universities.	Additional review required to consider whether inclusion of the university boards of trustees and Board of Governors is appropriate in (1). Currently unclear whether SUS included or not.	Clarify that the chapter does not apply to the state universities unless specifically referenced. - SUS 09/05
SU; UBOT	282.005	Legislative findings and intent	Assigns the functions of information technology to the university boards of trustees. Notwithstanding other provisions of law and assigns ubots responsibility for the development and implementation of planning, management, rulemaking, standards, and guidelines as it relates to information technology and the state universities	No Change	
UBOT	282.103	SUNCOM Network; exemptions from the required use	Requires SU to use SUNCOM.	DOE: No Change. SUS: Revise for permissive use (policy change)	No change recommended - SUS 09/05
SU	282.3031	Assignment of information resources management responsibilities	Notwithstanding other law and assigns function of information resources management to ubots	No Change	
SU	284.34	Professional medical liability of the ubots and nuclear liability excluded	Prohibits coverage from State Risk Management Trust Fund for ubots or the physicians, officers, employees of any board unless specifically authorized by DFS	No Change	
SBE	285.14	Board of Trustees of the Internal Improvement Trust Fund as trustee to accept donations of and acquire property for Indians	References SBE and any other state board that holds title	No Change	Amend (1); (2); (2)(b)1; and (3) to replace BOR with BOG. Delete reference to State Board of Community Colleges
BOR	286.001	Reports statutorily required; filing, maintenance, retrieval and provision of copies	Requires the filing of an abstract of reports by the BOR with the DOS and electronic copies be available when possible.		Replace BOR with DOE in (5).
BOR	286.036	Taxation and Budget Reform Commission; powers	Assigned for administrative purposes to BOR		No Change
BOR	287.012	Definitions	Exempts SU and SU board of trustees from the definition of "agency".		
SU	287.045	Procurement of products and materials with recycled content	Relates to the use of re-cycled products by SU. Includes universities and ubots in definition of "agency" for purposes of this section.	No Change	

Summary of Review Comments

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments
SU 287.057	Procurement of commodities or contractual services	Allows agency to contract with SACS school on same basis as it would contract with SU.	No Change		
SU 287.059	Private attorney services	Exempts SU from approval of Attorney General for procurement of attorney services.	No Change		
SU 287.09451	Office of Supplier Diversity; powers, duties, and functions	Exempts the state university construction program from supplier diversity requirements in the statute (???)	No Change		
DU 287.155	Motor vehicles; purchase by the Division of Universities	Authorizes the Division of Universities and several other agencies, with DMS approval, to purchase automobiles, trucks, tractors, and other automotive equipment for the use of institutions under the management of the Division of Universities			
SU 288.1229	Promotion and development of sports-related industries and amateur athletics; DSO; powers and duties	Permits EOG to authorize use of SU facilities for Sunshine State Games.	No Change		
SBE 288.15	Powers of Division of Bond Finance	Authorizes SBE to cooperate with DBF			Add BOG in addition to reference to SBE- DBF 12/6/05 No change recommended - SUS 09/05
BOR 288.17	Revenue certificates	Specifically references state buildings requested by the BOR	Review - Bonding		Change BOR to BOG- DBF 12/6/05 No change recommended - SUS 09/05
SU 288.705	Statewide contracts register	Relates to the Florida Small Business Development Center Procurement System.	Replace outdated term "Type I Center" with descriptive language for State of Florida center. DOE suggested language: "state-focused, multi-university center"		
SBE 288.7091	Duties of the Florida Black Business Investment Board, Inc.	Requires board to develop memo of understanding with SBE, DOE, DOT, DCA, DMS, and AWI re efforts to expand black business	Remove SBE from (7)		

Summary of Review Comments

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments
SU 288.8175	Linkage institutions between postsecondary institutions in this state and foreign countries	Relates to FI SU and CC creating relationships with foreign institutions.	No Change	Include ICUF schools - ICUF	
SBE 295.01	Children of deceased or disabled veterans; education preference in appointment and retention	Requires SBE to develop rules re program Exempts certain SU positions from veterans preference policies.	Review - Financial Assistance Program. Should be consistent with 112.19-.1915 and other programs	10/25/05 No change recommended - SUS 09/05	
SU 295.07	Enforcement	Provides SU campus police with traffic enforcement authority.	No Change		
BOR; SU 320.08058	Specialty license plates	Requires BOR to require each university to submit a plan for approval of all funds from sale of license plates	DOE/SUS: Replace BOR with UBOTs.	Consider replacing BOR with BOG. - OPB 09/05	
SU 331.305	Powers of the authority	Relates to the SU activities with the Florida Space Authority.	Technical amendment to move NOTE about using funds for matching grant program into text of the statute.		
SU 331.367	Spaceport Management Council	Relates to the SU activities with The Spaceport Management Council.	Amend (2)(C) to add DCU as a recipient of council recommendations.		
BOR; SU 334.065	Center for Urban Transportation	Established at USF to be administered by the BOR and SUS; requires BOR to confirm appointments to advisory board; requires BOR to submit budget.	Recommend amending (1) to delete BOR and SUS; (3) to delete BOR confirmation; and (4) to replace reference to BOR with SUS.		
SU 339.0805	Funds to be expended with certified disadvantaged business enterprises; specified percentage to be expended; construction management development program; bond guarantee program	Relates to SU training for the Construction Management Development Program.	No Change		
SU 369.252	Invasive exotic plant control on public lands	Relates to SU research on invasive plant eradication.	No Change		
SBE 372.023	J.W. Corbett and Cecil M. Webb Wildlife Mgt. Areas	References Board of Trustees of Internal Improvement TF, SBE, and other boards holding title, etc. in such lands	Review - Land Use	No change recommended - SUS 09/05	
SBE 373.543	Land held by Board of Trustees of the Internal Improvement Trust Fund; areas not taxed.	References land the title of which is held by SBE	Review - Land Use	No change recommended - SUS 09/05	

Summary of Review Comments

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments
SU	376.051	Powers and duties of the DEP Solar Energy Center; development of solar energy stds	Relates to DEP's powers for conducting cleanups on lands owned by the state university system.	No Change	
BOR	377.705		Defines "center" as the Florida Solar Energy Center of the BOR	Amend (3)(a) to replace "of the Board of Regents" with "of the state university system."	
SU	380.06	Developments of regional impact	Exempts SU sports facility additions from statewide guidelines and standards for development with regional impact.	No Change	
UBOT	380.0651	Statewide guidelines and stds Education and resource development	Relates to DRIs. Excludes institutions which are subject of a campus master plan adopted by a ubot	No Change	
SU	381.0301		Requires the DOH, in cooperation with the SU, to manage the public health mission for the state.	No Change	
BOR	381.79	Brain and Spinal Cord Injury Program Trust Fund	Creates TF to be appropriated to DOH for purpose of providing cost of care for brain or spinal cord injuries for certain patients. Appropriates certain funds to UF and UM. Directs BOR to establish program administration process and receive program plans.	Requires further review. Replace BOR with ?	Change BOR to BOG - SUS 09/05 Replace first BOR reference with UBOT. Replace second and third refs with BOG. - OPB 09/05
BOR	381.90	Health Information systems council; legislative intent; creation; appointment; duties	Requires BOR to select representative from school of public health	No Change	
FAMU	388.42	John A. Mulrennan, Sr., Arthropod Research Laboratory	Provides that the Mulrennan Arthropod Research Lab located in Panama City shall be under the administration of FAMU and directs lab to research pesticides	No change	
BOR	388.43	Florida Medical Entomology Laboratory	Places lab under the supervision of the BOR. Lab is an operational unit of UF and an integral part of IFAS	Amend (1) to remove the phrase "under the supervision of the Board of Regents."	
SBE	402.401	Florida Child Welfare Student Loan Forgiveness Program.	Requires DOE to administer the program. Requires SBE to adopt rules.	Move to 1009? (Existing language okay).	
SU	403.073	Pollution prevention; state goal; agency programs; public education	Requires the SU to develop and implement strategies to prevent pollution.	No Change	
SU	403.074	Technical assistance by the department	Requires DEP, in cooperation with the State University System, to provide onsite, nonregulatory technical assistance and promote and sponsor conferences on pollution prevention techniques.	No Change	
SU	403.0896	Training and assistance for stormwater management system personnel	Stormwater Mgmt. Assistance Consortium of the SUS works in cooperation with CCs, private colleges and universities, and others to develop training and assistance programs for persons involved in stormwater mgmt. systems.	No Change	

Summary of Review Comments

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments
SU 403.714	Duties of state agencies		Requires SUS to establish a recycling program, a solid waste reduction program, and encourage similar programs throughout the state system of education.	No Change	
SU 403.7145	Recycling		Requires SUS to collect and sell recyclable materials used in operation of facilities/offices.	No Change	
SU 403.74	Management of hazardous materials by government agencies		Requires governmental entities, including the SUS, to follow specific procedures regarding hazardous materials	No Change	
SBE 409.017	Local Funding Revenue Maximization Act; legislative intent; revenue maximization program.		References Florida Board of Education	No change needed. Statute was amended by 2004-5, L.O.F., to say "SBE." - OPB 09/05	
BOR 409.908	Reimbursement of Medicaid providers		Authorizes agency (AHCA?) to receive funds from the BOR	Replace reference to Florida Board of Education with SBE in (3)(a) Replace BOR with UBOTS. Need to discuss with fiscal staff.	
BOR; SU 410.504	Multidisciplinary center on elderly living environments		Requires BOR to establish a multidisciplinary center on independent housing and other living environments for the elderly at one or more state universities. Requires each center to submit an annual report	Rewrite and repeal references to BOR.	
SU 411.242	Florida Education for Now and Babies Later (ENABL) program		Reference to Florida State University.	No Change	
BOR 413.051	Eligible blind persons; operation of vending stands		Excludes property "under the control of the Board of Regents" from definition of state property	Replace BOR with UBOT	
UF 420.0003	State housing strategy		Directs the Shimberg Center for Affordable Housing at UF to develop and maintain statewide data on housing needs and production, provide technical assistance, operate an information clearinghouse and coordinate state initiatives with local and federal programs	No change	
UF 420.6075	Research and planning for affordable housing; annual housing report		Requires the Shimberg Center for Affordable Housing to undertake certain research, analysis and data collection activities, requires an annual report	No change	
SU 430.041	Office of Long-Term-Care Policy		Requires state agencies, including centers on aging in the SUS, to provide assistance to the DEA relating to the Office of Long-Term-Care Policy.	No Change	
SU 440.38	Security for compensation; insurance carriers and self-insurers		Allows state universities to be self-insurers; however, reference to state universities will be deleted when text in the footnote becomes the primary text of the statute in the 2004 F.S.	No Change	

Summary of Review Comments

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments
BOR 445.0124	Eligible programs		Requires Workforce Florida, Inc to work with Board of Regents to determine eligible upper division program. DOE determines the eligible lower-division programs and eligible career programs.	Amend (3) to replace BOR with BOG	Statute repealed by 2005-255, L.O.F. - OPB 09/05
SBE 445.0125	Repayment schedule.		Requires SBE to adopt repayment schedule for Careers for Florida's Future Incentive Grant Program	No Change	
SBE 446.052	Preapprenticeship program		References Division of Workforce Development in DOE and regulations of SBE	No Change	
SU: UBOT 447.203	Definitions		Deems ubot as the public employer with respect to all public employees of a state university. Designates the ubot as the legislative body with respect to all employees of a state university	DOE: Repeal portion that relates to university employees in (2) and (10). SUS: No change.	No change recommended - SUS 09/05 Amend (2) and (10) to replace UBOT with BOG pursuant to HB 1001. - OPB 09/05
BOR 455.2125	Consultation with postsecondary education boards prior to adoption of changes to training requirements		Requires licensing boards to consult with CIE, BOR, and SBE prior to adopting changes to training requirements.	Replace BOR with BOG	
BOR 456.028	Consultation with postsecondary education boards prior to adoption of changes to training requirements		Requires licensing boards to consult with CIE, BOR, and SBE prior to adopting changes to training requirements.	Replace BOR with BOG	
SU 458.3147	Medical school eligibility of military academy students or graduates		Requires medical schools in the SUS to admit FL residents that are graduates of US military academies under certain situations.	No Change	
SBE: SU 464.0196	Florida Center for Nursing; board of directors		Requires SBE to recommend four nurse educators, one of whom must be the dean of a college of nursing at a state university	Amend (1)(d) to split the recommendation of four nurse educators; Two nurse educators recommended by the Board of Governors, one of whom shall be a dean of a College of Nursing at a state university; and two nurse educators recommended by the State Board of Education, one shall be a director of a nursing program in a state community college.	Include ICUF deans- ICUF 10/25/05

Summary of Review Comments

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments
SU 468.609	Administration of this part; sets for certification; additional categories of certification	Establishes procedure for building code inspectors, plans examiners, and inspectors that had been employed by an educational board, DOE, or the SUS to continue such employment without a standard certificate.	No Change		
SU 468.617	Joint building code inspection department; other arrangements	Allows state universities, CCs, school boards, and state agencies to enter into contracts related to inspections.	No Change		
SU 487.0615	Pesticide Review Council	Requires the Council to advise government agencies, including the SUS, regarding their responsibilities related to pest control and allows the Council to request assistance from government agencies and the SUS to conduct relevant scientific studies.	No Change		
BOR 489.103	Exemptions	Exempts employees of the BOR from provisions relating to construction contracting. Prohibits dividing jobs in excess of a certain value into separate components for the purposes of evading provisions of section	Amend (3) to replace BOR with "state universities"		
BOR 489.503	Exemptions	Exempts employees of the BOR from provisions relating to electrical and alarm system contracting. Prohibits dividing jobs in excess of a certain value into separate components for the purposes of evading provisions of section	Amend (3) to replace BOR with "state universities"		
SU 553.71	Definitions	Designates a university in the SUS a local enforcement agency for purposes of enforcing building codes.	No Change		
SU 553.80	Enforcement	Details the application of the Florida Building Code to state universities, community colleges, and school districts.	No Change		
SU; USF 561.121	Deposit of revenue	Among other things, disburses certain state funds to FSU for the School of Chiropractic Medicine and to the Byrd Alzheimer's Center at USF	Review (1)(a)4.	Repeal (1)(a)4.	
UF 570.17	Division of work between department and experiment station and extension service	Specifies that regulatory work shall be conducted by DACS, demonstrational work by the extension service of UF, and experimental and research work by the Experiment Station at UF	No change		
SU 570.92	Equestrian educational sports program	Requires the DACS to establish an equestrian educational sports program in at least one 4-year state university.	No Change		

Summary of Review Comments

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments
UF 581.021		Continuance of powers, duties, and jurisdiction in department; privileges	Specifies that the Division of Plant Industry and its employees shall be provided the same suitable quarters and faculty privileges by UF as the State Plant Board	No change	
SU 604.006		Mapping and monitoring of agricultural lands	Requires components of the SUS, as well as all state agencies, to cooperate with DCA in establishing a mapping and monitoring program of agricultural lands.	No Change	
UF 604.04		Administration of law	Directs the agricultural experiment station at UF to develop an energetic soil survey program as well as being responsible for overseeing cooperative efforts from federal, state, local levels	No change	
SBE 625.315		Obligations of SBE	References bonds and certain certificates issued by SBE	Review - Bonding	NC- DBF 12/6/05 No change recommended - SUS 09/05
SU; UBOT 626.852		Scope of this part	Excludes employees or agents of a ubot providing services in support of any state university self-insurance program from provisions relating to insurance adjustors	No Change	
SU 627.7077		Florida Sinkhole Insurance Facility and other matters related to affordability and availability of sinkhole insurance; feasibility study	Directs the FSU College of Business Dept of Risk Management and Insurance to conduct a study of a potential FL Sinkhole Insurance Facility	No change	
SU; UBOT 627.912		Professional liability claims and actions; reports by insurers and health care providers; annual report by office	Requires reports of claims or action for damages for personal injuries alleged to be the result of professional services provided by a ubot through an employee or agent of a ubot	No Change	
SU 633.72		Florida Fire Advisory Council Assets, liabilities, and investments	Requires one member of the Council to be appointed by the Chancellor of the SUS.	No Change	
SBE 641.35			Permits hmo to invest in bonds and certain certificates issued by the SBE	No Change	
BOR 650.03		Federal-state agreement; interstate instrumentalities	References employees of "institutions of higher learning under the Board of Regents who are covered by the Teachers Retirement System"	Review - Federal. Clarify appropriate replacement for BOR in (5).	Replace BOR with "employees of the State University System" SUS 09/05
SBE 657.042		Investment powers and limitation	References obligations issued by the SBE	No Change	NC- DBF 12/6/05
SBE 658.67		Investment powers and limitation	References obligations issued by the SBE	No Change	NC- DBF 12/6/05

Summary of Review Comments

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments
		How state lands are conveyed for educational purposes	Requires title to all lands granted to or held by state for educational purposes to be conveyed by deed executed by members of the SBE within impression of the seal of the Board of Trustees of the Internal Improvement Trust Fund		No change recommended - SUS 09/05
SBE	689.12	Deeds executed by the SBE	Validates certain deeds executed by the SBE	Review - Land Use No Change	
SU	705.17	Exceptions	Exempts lost or abandoned property found in the SUS from typical statutory guidelines regarding such property.	No Change	
SU	705.18	Disposal of personal property lost or abandoned on university or community college campuses or certain public-use airports; disposition of proceeds from sale thereof	Provides procedure for disposition of lost or abandoned property found on the campus of an institution in the SUS or a state supported CC.	No Change	
SU	721.301	Florida Timesharing, Vacation Club, and Hospitality Program	In conducting the program, the program's director must consult with the Chancellor of the SUS.	No Change	
SU	741.03055	Review of premarital preparation courses; pilot programs, questionnaire and curriculum	Reference to Florida State University Center for Marriage and Family.	No Change	
SU	741.03056	Informational questionnaire	Reference to Florida State University Center for Marriage and Family.	No Change	
SU	753.004	Supervised visitation projects	Reference to the Institute for Family Violence Studies at Florida State University.	No Change	
FAMU	760.854	Center for Environmental Equity and Justice	Establishes the Center at FAMU within the Environmental Sciences Institute. Requires the center to sponsor students as interns at various agencies.	No change	
SU	766.314	Assessments; plan of operation	Infants delivered by agents or employees of a board of trustees of a SU do not count toward the initial assessment due under the Florida Birth-Related Neurological Injury Compensation Plan.	No Change	
SU; UBOT	768.28	Waiver of sovereign immunity in tort actions; recovery limits; limitation on attorney fees; statute of limitations; exclusions; indemnification; risk management programs	Requires action against a ubot to be brought in county of university's main campus. Includes ubot in the definition of "state agencies or subdivisions". Provides that health care practitioner contracted to provide medical services to a student athlete is agent of ubot for sovereign immunity purposes but is not an employee or agent of the state for purposes of ch. 440 – Worker's Compensation	No Change	

Summary of Review Comments

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments
SU 932.7055	Disposition of liens and forfeited property	Provides that proceeds from a seizure by an SUS police department be deposited into the SU's special law enforcement trust fund.	No Change		
BOR; SU 943.1755	Florida Criminal Justice Executive Institute	Establishes institute within FDLE and affiliated with SUS. Requires BOR, in conjunction with FDLE, to determine placement of the institute	Historical language - leave as is. Possibly a model for addressing similar institutes.		
SU 945.091	Extension of the limits of confinement; restitution by employed inmates	Prohibits prisoners that committed certain offenses from attending classes at a state CC or a university in the SUS.	No Change		
BOR; SBE; SU; UBOT 1000.01	The Florida K-20 education system; technical provisions	Abolishes BOR; type II transfer to SBE. Provides for retention of SBE, COE, DOE, district school boards, ccbots, and ubot rules in effect on 1/20/03 until specifically amended or repealed in the manner provided by law.	In 2(b), in between "all" and "laws" insert K-12 and community college. Strike current 2(c). Add a new 2(c): The Board of Governors shall oversee the enforcement of all state university laws and rules, and the timely provision of direction, resources, assistance, intervention when needed, and strong incentives and disincentives to force accountability for results.		
SBE 1000.03	Function, mission, and goals of the Florida K-20 education system	Permits SBE to appoint ad hoc committees. Requires SBE to oversee enforcement of laws and rules and provision of direction, resources, assistance and intervention. Requires COE to enforce compliance with K-20 mission and goals. Requires COE to operate all statewide functions necessary to support SBE and K-20.			
SBE; SU; UBOT 1000.05	Discrimination against students and employees in the Florida K-20 public education system	Requires SBE to adopt rules to implement the Florida Educational Equity Act. Requires SBE to impose monetary sanctions or other penalties for failure to comply. Lists functions of the Office of Equal Educational Opportunity of DOE including: requiring ubots to submit plan for implementation to DOE and requiring ubots to submit data demonstrating compliance. Permits SBE to penalize for failure to comply.	Recommend amending (5), (6)(f), and (6)(g) to recognize BOGISUS; 6(e) may need amending to recognize role of Chancellor/BOG.		
SU 1000.06	Display of flags	Requires all K-20 educational institutions to display the U.S. and Florida flags. Requires state university and community college presidents to brief governing boards on the results of fundraising for flag acquisition prior to approving funds to purchase flags.	No change		

Summary of Review Comments

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments
SBE; SU	1001.02	General powers of the SBE	Chief implementing and coordinating body; rule-making authority; adopt comprehensive educational objectives for public ed; adopt long-range plans and short range programs for state system of public ed; supervise DOE - minimize articulation and transfer problems; adopt CLAST stds; adopt and submit K-20 budget; hold mts, etc., relating to state system of public ed; approve plans for cooperating with feds.	<p>Clarify role of SBE with regard to K-12 and CC. Remove references to SU when appropriate. Require consultation/coordination with BOG in matters involving CCs and SUs.</p> <p>DOE/SUS: Amend (7): "The SBE and the BOG shall develop..."; amend (8): "state board rule by all school districts and community college district boards of trustees all public postsecondary educational institutions in accordance..."; amend (9) to move function to DOE; amend (10): "the SBE <u>and the BOG</u> shall develop..."; amend (13): "... all academic programs in community colleges and state universities at least..."</p> <p>DOE: Amend (6) so that SBE action is limited to K-12 and community colleges, add BOG for state universities. Needs review by bonding counsel. (Comment: Art. XII S. 9 (d) of the Constitution directs revenue from motor vehicle licensing to schools and community colleges.</p>	
SBE; SU	1001.03	Specific powers of the SBE		K-12 performance stds; DOE DSO; Professional certificates; professional teacher assoc; critical shortage areas; capital outlay and motor vehicle tax anticipation certificate resolutions; articulation; statewide enforcement; MIS; CPT; nonpublic postsecondary ed; common definitions for postsecondary, program review, school district personnel	

Summary of Review Comments

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments
SBE; UBOT	1001.10	Commissioner of Education; general powers and duties	Chief ed officer; advise and counsel with SBE on all matters pertaining to ed; submit K-20 budget recs; school improvement and educational accountability. Designates ubot as responsible for university performance and student performance	DOE: Review. To the extent a separate provision does not address this, (7) and (11)(a) should be consistent with BOG approval of UBOT budgets, forwarded to SBE for submission with the K-12 budget as a package of the Governor. SUS: Preamble: Change K-20 to K-12 and CC's; (7) add BOG; (11)clarify to refer to K-12 and CC's; create a new (e): "The BOG is responsible for statewide performance and accountability for the SUS"; (16) clarify K-20 reference to K-12 and CC's.	
SBE; SU	1001.11	Commissioner of Education; other duties		DOE/SUS: Strike (4) because covered elsewhere. DOE: No change on (2)(a). Review (3) for clarification. SUS: Amend (2)(a): The COE shall recommend to the SBE performance goals addressing the K-12 and community college educational needs of the state for the K-20 education-system....Florida's ability to meet the need for community college postsecondary degrees. In (3): Add the BOG.	Recommended changes ok. Review (2)(a) to eliminate references to CEPRI based on 2005-06 budget. - OPB 09/05
SBE; SU	1001.20	Department under direction of state board		DOE: Review. SUS: Remove state university from (4)(e).	
SBE; SU	1001.25	Educational television Public broadcasting program system		Requires SBE to approve policies re origination and transmission of all programs	Technical correction of statutory cross reference in (2)(b); s. 1006.26(1) should be s. 1001.26(1).
SBE	1001.26			DOE administers program Duties of DOE with regard to distance learning. Clarifies that duties of DOE with regard to distance learning do not abrogate, supersede, alter, or amend powers and duties of ubot	No change
SBE; SU; UBOT	1001.28	Distance learning duties		Add BOG to flush left paragraph.	

Summary of Review Comments

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments
SBE; SU; UBOT	1001.64	Community college boards of trustees; powers and duties	Relates to ccbots and SBE. Requires cbot to implement a plan, in accordance with guidelines of SBE, for working with ubots	In (17): Delete "pursuant to s. 1008.44" (doesn't exist); In (42) "...representatives of the Board of Governors and university boards of trustees..."	
BOG	1001.70	Board of Governors	Establishes BOG of SUS as a body corporate; provides for membership and staggered terms	No change	
Created in 2005	1001.705	Responsibility for the State University System under s. 7, Art. IX of the State Constitution; legislative findings and intent	Specifies legislative findings and intent. Defines terms. Specifies constitutional duties of the Legislature with regard to state universities		
BOG; UBOT; UP	1001.71	University boards of trustees; membership	Provides for appointment of 5 members of each ubot by the BOG; provides for staggered terms; requires consideration of diversity and regional representation. Establishes ubot pursuant to s.7(c), Art. IX of the State Constitution. Directs university president to serve as executive officer and corporate secretary of the ubot. Requires UP to be responsible to ubot for operation of university and setting the agenda for meeting s. of ubot	No change	Delete (3) - SUS 09/05
SBE; SU; UBOT	1001.72	University boards of trustees; boards to constitute a corporation			No change to (1) and (5). Delete (2). In (3), delete sentence referencing ch. 607 with language providing that ch. 1001 controls in event of conflict. Change SBE to BOG in (4). - SUS 09/05
BOR; SBE; UBOT	1001.73	University board empowered to act as trustee	Provides that ubots are not departments of the executive branch. Provides that ubots are acting as instrumentalities or agencies of the state for purposes of sovereign immunity		OPB: Still reviewing. DOE: This statute is a candidate for repeal or partial repeal due to Art. 9 s. 7, Fla. Const. To the extent amendment is preferred, recommended review of (2) and (3) and clarification that FSA 119 and 120 do not apply to it, as well as replacing SBE with BOG in (4). SUS: (3) - Delete UBOT as agency; (4) - Change SBE to BOG
					Recommend amending subsection (2) to replace SBE with BOG. Recommend review by state property lawyers.

Summary of Review Comments

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments
SBE; SU; UBOT	1001.74	Powers and duties of university boards of trustees	Detailed provisions regarding the powers and duties of UBOT including specific information on its relationship with the SBE.	<p>DOE: This statute is a candidate for repeal or partial repeal due to Art. 9, s. 7 Fla. Const. To the extent amendment is preferred, recommend universal replacement of SBE with BOG, modification of (4), and amend (7) to read "to the master's and specialist degree level." SUS: Keep: (1) - SBE to BOG; (2) - SBE to BOG; (5), (6), (7) - without SBE; (8), (10); (11), (12) - SBE to BOG; (13) - DOE to BOG; (14) - BOG; (15) - BOG; (16); (17); (18); (20); (21); (25); (26); (27) - SBE to BOG; (28); (30); (31); (32); (33); (34); (35); (36); (37); (38) - SBE to BOG; (39); (40); (41) - SBE to BOG. Amend (7) to read "to the master's and specialist degree level." Delete: (3); (4); (6); (9); (23); (24); (29).</p>	<p>Recommend replacement of SBE with BOG throughout any subsections retained. In light of the passage of HB 1001, recommend: Retain (3), (5), (6), (7), (8), (10-first paragraph only), (12), (13), (15), (16), (17), (18), (23), (24), (26), (27), (28), (30), (31), (34), (35), (36), (38), (39), (41) (4) - amend to reference the BOG regulation procedure - SUS 09/05</p>
SBE; SU; UBOT; UP	1001.75	University presidents; powers and duties	Specifies powers and duties of university presidents	<p>DOE: This statute is a candidate for repeal or partial repeal due to Art. 9, s. 7 Fla. Const. To the extent amendment is preferred, recommend replacement of SBE with BOG in (1), (3), (4), (5), (7), (11) and (13). SUS: (1) - Replace SBE with BOG; (3) - Delete SBE reference; (4) Replace SBE with BOG; (5) - Delete SBE reference; (7) Replace SBE with BOG; (11) Replace SBE with BOG; (13) Replace SBE with BOG; (18) - could be moved to s. 273.055</p>	<p>Repeal - SUS 09/05</p>

Summary of Review Comments

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments
SU	1002.21	Postsecondary student and parent rights	Requires SUs and CCs to provide a student handbook and student ombudsman office.	DOE: Recommend treatment similar to 1006.50. Repeal one or the other. SUS: (3) - add: "Except for matters relating to academic performance, public postsecondary education students may be expelled ..." (5) - remove "in accordance with the provisions of s. 1006.50"; (6) - remove "in accordance with the provisions of s. 1006.51."	Recognize current practice that for the state universities, UBOTs promulgate rules on this subject, not the SBE/BOG. Universities do not need this provision - FERPA controls. See s. 1006.52(1). COMMENT: May be separate issue. See s. 1006.52(1) - SUS 09/05
SBE	1002.22		Student records and reports; rights of parents and students; notification; penalty	DOE: Recommend amending (3), (3)(a)4., (3)(c), (3)(d)3, and (4) to add BOG. SUS: Recognize current practice that for the state universities, UBOTs promulgate rules on this subject, not the SBE/BOG. Universities do not need this provision - FERPA controls. See s. 1006.52(1). COMMENT: May be separate issue. See s. 1006.52(1) - SUS 09/05	

Summary of Review Comments

Search Term Code	Statute	Short Title	Description	DOE/ORPB/SUS Staff Comments	Subsequent Comments
SBE; SU; UBOT	1002.32	Developmental research (laboratory schools)	<p>Requires SBE and Legislature approval for state universities to have lab schools. Requires SBE authorization for lab school to provide instruction beyond K-12. Requires SBE to adopt rules to implement section. Designates lab school personnel.</p> <p>Requires ballot process adopted by SBE. Permits appeals to SBE. Provides SBE with rule-making authority</p>	<p>DOE: No change. SUS: Amend (9)(C) as follows: "All operating funds provided under this section shall be deposited in a Lab School Trust Fund and shall be expended for the purposes of this subsection. The university assigned a lab school or charter lab school shall be the fiscal agent for these funds, and all rules of the university governed...unless otherwise provided by law or rule of the SBE. The university board of trustees shall be the public employer of lab school or charter lab school personnel for collective bargaining purposes for lab schools in operation prior to the 2002-2003 fiscal year.</p> <p>Employees of charter lab schools: authorized prior to June 1, 2003, but not in operation prior to the 2002-2003 fiscal year shall be employees of the entity holding the charter and must comply with the provisions of s. 1002.33(12). - SUS 0905</p>	
SBE; SU	1002.33	Charter Schools		No change	
SBE; SU	1002.35	New World School of the Arts	Requires SBE to designate one or more universities as partners	Amend (2)(a) to add "in consultation with the BOG" & "and BOG"; (3) to add "BOG". (4) add "and BOG"	
SU	1002.41	Home education programs	Provides that home education students are eligible for admission at SUs.	No change	
SBE; SU	1003.45	High school equivalency diploma program	Requires SBE to adopt rules and prescribe performance stds; provides that a high school equivalency diploma has equal standing with all other high school diplomas with regard to admission to a SU or C.	No change	

Summary of Review Comments

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments
SBE; SU 1004.03	Program approval		Details SBE role/responsibilities in the establishment of new programs at SUs.	DOE: Recommend amending (1) and (1)(d) to replace SBE with BOG or repeal provision. SUS: Repeal (1) and (3)	
SBE; SU 1004.04	Public accountability and state approval for teacher preparation programs		Authorizes the SBE to develop a curricula and general standards for teacher preparation programs and includes substantial rulemaking authority; allows CCs and SUs to develop preteacher and teacher education pilot programs with program approval by the SBE.		
SU 1004.05	Substance abuse training programs		Authorizes SUs and CCs to develop courses for teachers, counselors, law enforcement, and other professionals to recognize symptoms of substance abuse.	No change	
SU 1004.06	Prohibited expenditures		Prevents CCs, CC DSOs, SUs, and SU DSOs from purchasing anything from organizations that discriminate.	No change	
SBE; SU; UBOT 1004.07	Student withdrawal from courses due to military service; effect		Requires ubot to establish by rule and pursuant to guidelines of SBE, policies regarding students called to active military duty	Recommend adding BOG to first sentence.	Needs further review to determine how HB 1001 provisions re: SU state agency status affect this statute. - OPB 09/05
SU 1004.21	State universities; legislative intent		Designates SUs as public corporations operated by UBOTs.	DOE: No change. SUS: Repeal - section is duplicative and confusing, covered in 1001.72.	
SBE; SU; UBOT; UP 1004.22	Divisions of sponsored research at state universities			Replace SBE with BOG Add: (14) Notwithstanding the provisions of s. 216.351.s. 216.346 does not apply to contracts or subcontracts between state universities, between community colleges, or between state universities and community colleges. This is precisely the language that was found in the DSR statute prior to the first School Code rewrite. - SUS 09/05	
SU 1004.23	Universities; powers; patents, copyrights, and trademarks			DOE: Recommend amending (6)(a) and (6)(b) to replace SBE with BOG. SUS: (5); remove reference to s. 112.061; (6)(a); replace SBE with BOG; (11); repeal; (12); repeal. DOE: No Change. SUS: Repeal the last sentence in (6) requiring report to the Department of State.	

Summary of Review Comments

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments
SBE; SU; UBOT; UP	1004.24	SBE authorized to secure liability insurance	Authorizes SBE to secure liability insurance for SBE; ubot; faculty, employees, and agents of ubot; students at su; su or any college, school, institute, center, or program thereof including NFP. Requires approval of UP for NFP to participate in self-insurance program	Title, (1), (1)(a), (2), (3), (4), (5), & (6); replace SBE with UBOT's to reflect current practice.	
SU	1004.25	State universities: payment of costs of civil action		DOE: No change. SUS: Add last line of s. 10012.85(1) to this section to conform it with the language for CC's: "However, any attorney's fees paid from public funds for any officer, employee, or agent who is found to be personally liable by virtue of acting outside the scope of his or her employment or acting in bad faith, with malicious purpose, or in a manner exhibiting wanton and willful disregard of human rights, safety, or property may be recovered by the state, county, municipality, or political subdivision in a civil action against such officer, employee, or agent."	
SU; UBOT; UP	1004.26	University student governments		Authorizes SU's to pay the costs necessary for defending a civil action brought against an office or employee of the SU. Permits ubot to establish student government on any branch campus or center. References disapproval of SGA internal procedure by UP.	No change
SBE; SU; UBOT; UP	1004.28	DSO; use of property; board of directors; activities; audit; facilities		UBOTS must review and certify DSOs; authorizes ubot to permit use of property, etc.; permits chair of ubot to appoint rep to board of directors of DSO; requires annual audit in accordance with rules of AG and ubot. Requires DSO to submit certain IRS forms to UP Permits ubot to prescribe by rule conditions for certification of JHSSO; permits chair of ubot to appoint representative to board of directors. Requires approval of uhssso budget by UP	Recommend amending (5), (6), and (7) to replace SBE with BOG.
SBE; SU; UBOT; UP	1004.29	University health services support organizations		(5) Replace SBE with BOG	
NC	1004.32	New College of Florida	Provides goals for the New College of Florida, directs New College to apply for accreditation, and provides the composition of the board of trustees	Review. Implementing legislation does not conform with Art. IX, s. 7	Conform with Art. IX, Sec. 7 of Constitution - SUS 09/05

Summary of Review Comments

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments
SBE	1004.33	The University of South Florida St. Petersburg	Requires the Campus Executive Officer to submit a legislative budget request consistent with SBE guidelines.	(2)(a): replace COE with UBOT and replace SBE with BOG.	
SBE	1004.34	The University of South Florida Sarasota/Maratee	Requires the Campus Executive Officer to submit a legislative budget request consistent with SBE guidelines.	(2)(a): replace COE with UBOT and replace SBE with BOG.	
SBE; UBOT	1004.35	Broward County campuses of Florida Atlantic University; coordination with other institutions	Requires FAU and SBE to consult with Broward CC and FIU in coordinating course offerings.	Replace SBE with BOG	
SU	1004.36	FAU campuses	Requires FAU bot to ensure both FAU campuses are partners in the overall policymaking and academic governance structures of the university; requires the SBE as part of its comprehensive master planning process to continue to evaluate the postsecondary needs in Broward County.	(4): replace SBE with BOG	
FIU	1004.37	County or area extension programs; cooperation between counties and UF and FAMU	Recognizes county extension agents are joint employees of SUS and federal and county governments. No change		
UWF	1004.38	Master of science program in speech-language pathology	Authorizes MS degree program in speech-language pathology at FIU	Review to determine if retaining in statute is necessary.	
FAU	1004.381	Nursing degree program at Florida International University	Authorizes a BS in nursing at UWF	Review to determine if retaining in statute is necessary.	
SU	1004.382	Master's in social work program at University of West Florida	Authorizes a MSW program at FAU	Review to determine if retaining in statute is necessary.	
SBE; UBOT	1004.383	Chiropractic medicine degree program at Florida State University	Authorizes a chiropractic medicine degree program at FSU	No change	Repeal. - OPPB 09/05
			Requires FIUbot to begin planning; permits FIUbot to accept funds; provides for termination of authority of FIUbot; provides for management of facilities by FIUbot; assigns responsibility to SBE to report on whether law school operations should be ceased if accreditation fails to occur within 5 years of the first graduating class.	No change	

Summary of Review Comments

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments
SBE; UBOT	1004.40	College of law at FAMU	Requires FAMUBot to begin planning; permits FAMUBot to accept funds; provides for termination of authority of FAMUBot; provides for management of facilities by FAMUBot; assigns responsibility to SBE to report on whether law school operations should be ceased if accreditation fails to occur within 5 years of the first graduating class.	No change	
UF	1004.41	University of Florida; J. Hillis Miller Health Center	Establishes the Miller Health Center at UF. Directs the UF Board of Trustees to lease the hospital facilities of Shands to a not-for-profit corporation to operate the hospital. Authorizes the UF Board of Trustees to increase/renovate the hospital facilities with the approval of the legislature. Allows UF to provide certain types of insurance to the not-for-profit corporation.	No change	
SU; UBOT	1004.42	FSU College of Medicine	Permits FSUBot to negotiate and purchase liability insurance for individuals or entities providing training, professionals employed by the school, and students of the school	No change	
SBE; SU	1004.43	H. Lee Moffitt Cancer Center and Research Institute	Requires the SBE to enter into an agreement with a FL nonprofit corporation to operate the Moffitt Cancer Center; SU's are allotted 5 representatives on the corporations board of directors.	Replace SBE with BOG. - OPB 09/05	Replace SBE with BOG. Include reference to corporate subsidiaries. - Moffitt Cancer Center 01/06
SBE	1004.435	Cancer Control and Research Louis de la Parte Florida Mental Health Institute	FL Cancer Control and Research Advisory Council advises the SBE on a number of cancer related issues; SBE awards grants and contracts and is given rulemaking authority.	Amend (3)(b), (4)(h), (4)(l), (4)(n), (4)(o), (5), (5)(a), and (5)(c) to replace SBE with BOG	
UP	1004.44		Permits director to establish statewide advisory groups with approval of UP	No change	
SBE; SU	1004.445	Florida's Alzheimer's Center and Research Institute	Requires the SBE to enter into an agreement with a FL nonprofit corporation to operate the FL Alzheimer's Center and Research Institute; SU's are allotted 5 representatives on the corporation's board of directors.	Needs additional review	Replace SBE with BOG. - OPB 09/05

Summary of Review Comments

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments
BOG; SU; UP	1004.447	Florida Institute for Human and Machine Cognition, Inc.	Requires BOG approval to establish NFP corporate subsidiaries; requires approval by BOG of articles of incorporation; chair of BOG or designee serves on board of directors; requires annual audit and annual report to the BOG. Role of UP in determining universities share of income generated by university faculty from research activities at the institute	No change	
SU	1004.45	Ringling Center for Cultural Arts	References to Florida State University.	No change DOE: No Change. SUS: Technical comment – UF's "College of Architecture" is now known as the "College of Design, Construction and Planning" DOE: Recommend amending to replace SBE with BOG, replace "Type I" with "state-focused, multi-university center" and replace "COE" with "university president." SUS: Replace SBE with BOG; Replace COE with UF president; change "Type I Center" to new designated name; introductory language should be amended as follows: "... process involving an advisory board of university and non-university personnel appointed by..."	
SU	1004.46	Multidisciplinary Center for Affordable Housing	Requires the Center to work in conjunction with other SUs.		
SBE; SU	1004.47		Research activities relating to solid and hazardous waste mgmt. conducted by SUS are to be coordinated by the SBE; SBE must consult with DEP in developing research programs.	Creates the Institute as a Type I Institute at FAMU. Requires the Institute to undertake certain activities; authorizes the Institute to establish regional centers, requires an annual report	Review. Recommend amending (1) to replace "Type I Institute" with "state focused, multi-university center."
FAMU	1004.50	Institute on Urban Policy and Commerce			
FAMU	1004.51	Community and Faith-based Organizations Initiative; Community and Library Technology Access Partnership		Creates the Initiative to be administered by the Institute on Urban Policy and Commerce at FAMU. Authorizes the Institute to conduct certain activities as part of the Initiative. Requires the Institute to develop selection criteria for grants awarded under the Initiative	No change
SU	1004.53	Interdisciplinary Center for Brownfield Rehabilitation Assistance	Requires Center to work with other state universities		No change

Summary of Review Comments

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments
SBE; SU; UP	1004.54	Learning Development and Evaluation Center	Refers to state universities; requires President of FAMU submit program report to SBE	Amend (5) to add BOG.	
SBE; SU; UP	1004.55	Regional autism centers	UP selects members of constituency board	No change	
SBE; SU; UP	1004.58	Leadership Board for Applied Research and Public Service	5 UPs serve as members of the board – designated by COE	DOE/SUS: Recommend amending (1)(b) and (3) to replace SBE with BOG. SUS: Amend (1)(i) to replace COE with BOG.	Recommended changes ok. SUS comment should say amend (2)(i). - OPB 0905
SU	1004.59	Florida Conflict Resolution Consortium	Establishes Consortium as statewide center at FSU or another campus	DOE: No Change. SUS: Replace COE with BOG.	
SU	1004.60	Research of Rosewood incident	Requires state universities to continue research	No change	
UF	1004.63	Florida Institute for Nuclear Detection and Security (FINDS)	Creates FINDS at UF, within the Department of Nuclear Engineering and Radiological Sciences. Directs the Dean of UF College of Engineering to appoint a director for the institute. Requires the institute to undertake certain activities.		
SBE; SU	1004.73	St. Petersburg College	Relates to fees and SBE rules for St. Pete College	No change	
SBE	1004.78	Technology transfer centers at community colleges	Authorizes SBE to award, review and approve grants for technology transfer centers at community colleges	DOE: No Change. SUS: Amend (10) to include "This shall be in consultation with BOG to the extent state universities are involved."	
SBE; SU	1004.97	Florida Literacy Corps	Requires student to be enrolled in SU to be eligible for Corps; refers to SBE rule regarding passing score on postsecondary entry-level exam; requires DOE to submit annual report to SBE	No change	
DCU	1005.03	Designation College or University	Restricts the use of the terms "college" and "university" to institutions defined in 1005.02	The BOG is seeking clarification in the 2006 legislative session concerning its role with respect to the nonprofit independent higher education institutions. - SUS 0905 Amend (1)(d) to delete "under the jurisdiction of the Division of Colleges and Universities of the Department of Education, whose students are." - OPB 1024/05	

Summary of Review Comments

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments
DCU	1005.06	Institutions not under the jurisdiction or purview of the commission	Defines institutions that are exempt from licensure and are not subject to jurisdiction by the Commission for Independent Education.	The BOG is seeking clarification in the 2006 legislative session concerning its role with respect to the nonprofit independent higher education institutions. - SUS 09/05 Amend (1)(C) to delete "under the jurisdiction of the Division of Colleges and Universities of the Department of Education, whose students are." - OPB 10/24/05	
SU	1006.50	Student handbooks	Requires each state university to annually compile and update a student handbook	DOE: Recommend treatment similar to 1002.21. Repeal one or the other. SUS: Repeal - section is duplicative of s. 1002.21(5).	
SU	1006.51	Student ombudsman office	Requires a student ombudsman office at each state university	DOE: Recommend treatment similar to 1002.21. Repeal one or the other. SUS: Repeal - section is duplicative of s. 1002.21(6).	
SBE	1006.52	Student records	Relates to who prescribes contents of su and cc student records	No change	DOE: Recommend treatment similar to 1002.21. SUS: Amend to remove reference to rules of the SBE - statute is sufficiently specific and detailed for institutional rulemaking.
SBE	1006.53	Religious observances	Requires public postsecondary institutions to adopt policies in accordance with SBE rules		
SU; UBOT	1006.54	Universities; public documents distributed to libraries	References rules adopted by ubot relating to exchange of documents	No change	
SBE; UP	1006.59	The Historically Black College and University Library Improvement Program	Requires HBCUs (including FAMU) to submit library enhancement plans to SBE. Requires submission of prioritized list of acquisitions to be submitted to college or UP.	No change	

Summary of Review Comments

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments
SBE; SU 1006.60		Codes of conduct; disciplinary measures; rulemaking authority	Permits each community college and state university to adopt by rule codes of conduct and discipline. Can include penalties for violation of institutional rules, SBE rules, local ordinances, etc.	This statute is a candidate for repeal. To the extent amendment is preferred, modify (3) to add BOG. Recommend treatment similar to 1002.21.	
SBE	1006.61	Participation by students in disruptive activities at public postsecondary educational institution; penalties	Recognizes attendance at a public postsecondary institution as a privilege. Deemed consent to policies of the institution and SBE. Requires immediate expulsion for participation in disruptive activities.	This statute is a candidate for repeal. To the extent amendment is preferred, add BOG to (1). Recommend treatment similar to 1002.21.	
SBE; SU 1006.62		Expulsion and discipline of students of community colleges and state universities	Provides that students at public postsecondary institutions are subject to federal and state laws, county and municipal ordinances, SBE rules, etc. Permits presidents to suspend or expel or otherwise discipline students who violate	This statute is a candidate for repeal. To the extent amendment is preferred, change (1) and (3) to add BOG. Recommend treatment similar to 1002.21.	
SU	1006.63	Hazing prohibited	Authorizes state universities to impose fines and penalties for hazing; refers to adoption of antihazing policy and rules	No change	
SBE	1006.65	Safety issues in courses offered by public postsecondary educational institutions	Requires SBE to adopt safety policies re postsecondary courses	DOE: Recommend amending (1) to add "BOG or UBOTs." SUS: Amend (1) to read "The SBE and the UBOTs, as appropriate..."	
UBOT	1006.66	Regulation of traffic at universities	Requires ubot to adopt rules that govern traffic	No change	
SU	1006.68	HIV and AIDS policy	Requires state universities to develop policy regarding HIV and AIDS	No change	

Summary of Review Comments

Search Term/Cone	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments
SBE; SU 1006.71		Gender equity in intercollegiate athletics	Requires the COE to annually assess institutional progress and advise SBE re compliance. Provides duties of SBE re noncompliance. Requires SBE to determine level of funding and support needed. Requires SBE to assure equity for female athletes. Requires SBE to establish reporting requirements. Requires SBE to develop policies and guidelines to facilitate articulation and seamless integration of K-20 system	DOE: Recommend amending (1)(c), (1)(f), (2)(b), and (3)(a) to add BOG; amending (3) title and (3) to add BOG and UBOT. SUS: (1)(c): "The COE shall annually assess the progress of each CC's institution's plan and advise the SBE re compliance." Add a new (1)(d): "The Chancellor shall annually assess the progress of each su's plan and advise the BOG..." (1)(f): "The SBE or the BOG, as appropriate, shall..." (1)(f): "...COE or BOG, as appropriate, approves a plan for compliance." (2)(b) - repeal; (3) remove title; "the SBE or BOG, as appropriate..." (2x)	
SBE; SU 1007.01		Articulation; legislative intent; purpose; role of the SBE	Articulation; postsecondary institution coordination and collaboration	Review to add BOG to title and (2).	
SU; UBOT 1007.22		Statewide articulation agreement	Permits ubots to establish intrainstitutional and interinstitutional programs to maximize articulation	No change	
SBE; SU 1007.23		Statewide articulation agreement	Requires SBE to establish statewide articulation agreement in rule	Review to add BOG to (1).	
SU; UP 1007.235		District interinstitutional articulation agreements	Encourages each UP to designate a university representative to participate in the development of interinstitutional articulation agreements for each school district within the university service area	No change	
SBE; SU 1007.24		Statewide course numbering system	Requires DOE to develop, coordinate, and maintain a statewide course numbering system. Course levels are to be recommended by the COE to the SBE	Recommend adding BOG to (2), (3) and (8)	
SBE; SU 1007.25		General education courses; common prerequisites; and other degree requirements	Requires SBE approval for exception to common prerequisites. Requires SBE to approve bachelor degrees in excess of 120 hours. Requires SBE approval of programs where at least half of the required hours cannot be completed at a community college. Requires universities to grant AA under certain conditions.	Recommend amending subsections (5), (6), (8), (9), and (10) to add BOG approval for SUS.	

Summary of Review Comments

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments
SBE; SU; UBOT	1007.261	State universities; admissions of students	References minimum admission standards adopted by the SBE or ubot	Recommend amending subsections (1)(b), (2), (3), (5), and (8) to replace SBE with BOG. Make technical correction to 2(d).	
SBE	1007.264	Impaired and learning disabled persons; admission to postsecondary educational institutions; substitute requirements; rules	Requires SBE to adopt Rules for exceptions to admission requirements for students with disabilities and to develop substitute admissions requirements.	Recommend adding BOG.	
SBE	1007.265	Impaired and learning disabled persons; graduation, study program admission, and upper-division entry; substitute requirements; rules	Requires SBE to adopt Rules for students with disabilities for substitute requirements for graduation, study program admission, and upper-division entry. Requires state university to award credit for specific courses when certain exams are passed. Requires SBE to establish rules regarding cutoff scores and AICE and IB exams to receive postsecondary credit. Requiring such rules only apply to students taking test after Rules are adopted. Requires SBE conduct review of use of acceleration mechanisms and submit report to Legislature.	Recommend adding BOG.	
SBE; SU	1007.27	Articulated acceleration mechanisms	Requires SBE to establish and maintain computer-assisted student advising system in DOE and to develop rules. Requires state universities to interface institutional system with SBE system.	Recommend amending (2), (7), (8), and (9) to add BOG. Recommend repealing (10).	
SBE; SU	1007.28	Computer-assisted student advising system	Requires ubot to monitor limited access programs and conduct periodic reviews to determine need for retention or removal of limited access status	Recommend replacing SBE in the first sentence with DOE. Add BOG for SUS rules to the fourth sentence.	
SBE; UBOT	1007.31	Limited Access Programs	Requires comparable registration processes and orientation programs for transfer students	Candidate for repeal or, alternatively, replace SBE with BOG in (1).	
none	1007.32	Transfer students		DOE/SUS: Possible candidate for repeal.	
SBE; SU	1007.34	College reach-out program	Provides that participants be students unlikely to seek admission to a state university. Requires SBE rules. Requires SBE to consider proposals for programs. Requires SBE to give preference to certain proposals. Provides that SBE receive recommendations for priority for funding of proposals.	No change	

Summary of Review Comments

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments
SBE	1008.29	College-level communication and mathematics skills examination (CLAST)	Requires SBE to set by rule the minimum scores for the CLAST and to consider negative impact on minority students. Requires SBE to establish by rule fees for administration of the CLAST. Refers to SBE established minimum scores required on nationally standardized exam to be exempt from CLAST and to SBE identified postsecondary-level coursework for remediation.	Recommend review of (4), (8), (9)(a), and (9)(b) to add BOG.	
SBE; SU; UBOT	1008.30	CPT for public postsecondary education	Authorizes ubot to contract with ccbot to provide remedial instruction	Review (1). Candidate for repeal, or alternatively replacing SBE with BOG or adding BOG.	
SBE	1008.31		Refers to recommendations to Legislature from SBE regarding performance standards and measures for the public education system, including postsecondary educational institutions. Requires SBE to develop proposals for performance-based funding, guiding principles for establishing sector-specific standards and measures, and maintain certain accountability system. Refers to information systems to be maintained by public postsecondary educational institutions to provide SBE information. Requires SBE to determine standards for required data.	Recommend review of (1)(d)-(e) and (2)(b)-(c) to add BOG. Original (2)(c)-(d) repealed by 2005-56, L.O.F. - OPB 0905	
SBE	1008.32	SBE oversight enforcement authority	Requires SBE to oversee performance of public postsecondary educational institution boards in enforcement of laws. Authorizes SBE to request and receive information, data, and reports from institutions. Refers to report by DOE to SBE documenting compliance. Authorizes SBE to order compliance and to initiate other actions for noncompliance.	Review. Possible alternatives include removing SUS from the section, creating a new section for BOG and SUS, or adding BOG to this section.	Remove SUS - SUS 09/05

Summary of Review Comments

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments
SBE; SU 1008.345		Implementation of state system of school improvement and education accountability	Refers to feedback and other reports submitted to SBE, SBE rules for distributing school reports, recommendations made to SBE regarding assistance and intervention plan for low performing schools, college-level communication and mathematics skills by defined by SBE, achievement data maintained by DOE for SBE, approval by SBE tests developed by DOE, competencies by students in state universities, and any information required by SBE. Requires SBE to direct commissioner to implement corrective action plan if needed. Requires SBE to monitor plan. Authorizes commissioner to assign administrative responsibilities for tests to any state university.	Recommend replacing SBE with BOG in (8)(e)(f). Recommend adding BOG to (8)(g)(h). Review (8)(i).	
SBE	1008.37	Postsecondary feedback of information to high schools	Requires SBE to adopt rules requiring reporting by DOE on the performance of each first-time-in-postsecondary student from a public high school, and to ensure that each school district and high school develops strategies to improve student readiness for postsecondary work. Requires reporting by DOE to SBE on students enrolled for the first time in public postsecondary education.	No change	
SBE; SU	1008.38	Articulation accountability process	Requires SBE to develop articulation accountability measures and establish articulation accountability process.	Review to include BOG.	
SBE; SU	1008.46	State university accountability process	Refers to implementation of accountability processes for state universities, recognition of differing missions of each state university, and providing for a collaborative effort involving state universities. Requires SBE to submit annual accountability report and recommend appropriate modification to law.	DOE/SUS: Review to replace SBE with BOG. DOE: Clarify that BOG approves university missions, performance standards, measures, and goals.	
SBE	1008.51	Council for Education Policy Research and Improvement	Requires CEPRI to submit to SBE a master plan, performance plan for education. Requires CEPRI to recommend to SBE legislation and rules for accountability and revisions and new initiatives to improve K-20 accountability and to issue reports on matters relating to any education sector, and to assist SBE in educational responsibilities.	Delete - SUS 09/05 Review to eliminate references to CEPRI based on 2005-06 budget. - OPB 09/05	
SBE	1009.01	Definitions	Refers to SBE rules relating to "out-of-state fees".	Recommend adding BOG to (4)(c)-(d), (f)-(g), (i), (l). Recommend adding BOG to (2).	

Summary of Review Comments

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments
SBE; SU	1009.21	Determination of resident status for tuition purposes	Refers to classification of students as residents or nonresidents for purpose of assessing tuition in state universities. Defines "institution of higher education" as any state university. Classifies as residents: active duty members of military, U.S. or Canadian, if attending a state university within 50 miles of duty station; and SREB's Academic Common Market graduate students attending state university. Requires SBE to designate, by rule, classification of students at state universities.	DOE/SUS: Recommend amending (11) to add BOG. DOE: Clarify that classification is consistent with SBE. 09/05	Substantive changes are being recommended for the 2006 Legislative Session in separate proposed legislation. - SUS 09/05 Needs further review to determine the role of the BOG and Legislature with respect to tuition and fee authority. - OPB 09/05 BOG or BOG designee sets tuition & fees for resident UG pursuant to proviso and law. BOG or BOG designee sets tuition & fees for all other students. BOG - 1/12/06
SBE; SU; UBOT; UP	1009.24	State university student fees	Directs ubot to set university tuition and fees within proviso in the GAA and law. Authorizes ubot to collect a financial aid fee. Authorizes ubot to establish activity & service, health, and athletic fees. Ubot approval required for expenditure of A&S fee revenues. Authorizes ubot to establish misc. fees. Authorizes ubot to establish a service charge for fees paid in installments. UP appoints certain members of the A&S fee committee; must approve fee increases recommended by the committee; must approve SGA on allocation and expenditure recs; may veto and reallocate. Appoints certain members of the health committee; must approve recommended increases to fee. Appoints certain members of the athletic fee committee; must approve any fee increases recommended by the committee.	Repeal. Alternatively, recommend amending (3), (6), (9)(a), (10), and (11). SBE should be replaced with BOG.	Needs further review to determine the role of the BOG and Legislature with respect to tuition and fee authority. - OPB 09/05
SBE; SU	1009.25	Fee exemptions	Provides fee exemptions for certain students at state universities. Provides that regional workforce board pay state university for cost of welfare transition program participants. Authorizes community colleges to grant fee exemptions for fees adopted by SBE for up to 40 FTE at each institution.	DOE: Review. Fee exemptions binding on universities to the extent legislature funds and BOG accepts funds. SUS: No change.	

Summary of Review Comments

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments
SBE; SU; UBOT	1009.26	Fee waivers	Permits ubots to waive fees for certain full-time university employees	<p>DOE: Repeal provisions pertaining to universities. Alternatively, fee waivers binding on legislatures to extent legislature funds and BOG accepts funds. SBE should be replaced with BOG in (4) and (6). SUS: Change (4) to read "for courses which are in programs for which the <u>UBOT</u> SBE has established selective admissions criteria</p> <p>09/05</p>	<p>Needs further review to determine the role of the BOG and Legislature with respect to tuition and fee authority. - OPB</p> <p>09/05</p>
SU	1009.265	State employee fee waivers	Provides waivers for tuition and fees for state employees in certain instances. Requires Chief Financial Officer, in cooperation with state universities to implement ways to ease administrative burden to institutions. Provides for reimbursement to state universities. Requires AG to include review of cost assessment with audit for state universities. Provides exception for employees of state universities.	<p>DOE: Review. Fee waivers binding on universities to extent legislature funds and BOG accepts funds.</p> <p>SUS: No change.</p> <p>09/05</p>	<p>Needs further review to determine the role of the BOG and Legislature with respect to tuition and fee authority. - OPB</p> <p>09/05</p>
SBE; SU	1009.27	Deferral of fees	Requires SBE to adopt rules to allow deferral of tuition and registration fees for students receiving financial aid when transmittal of aid is delayed. Provides that state university is responsible for collecting all deferred fees. Provides that student may not earn state funding until fee is collected.	<p>Recommend adding BOG to (1).</p>	<p>Needs further review to determine the role of the BOG and Legislature with respect to tuition and fee authority. - OPB</p> <p>09/05</p>
SBE	1009.28	Fees for repeated enrollment in college-preparatory classes	Refers to fee levels established by SBE	<p>Repeal as it pertains to universities.</p>	<p>Needs further review to determine the role of the BOG and Legislature with respect to tuition and fee authority. - OPB</p> <p>09/05</p>
SBE; SU; UBOT	1009.285	Fees for repeated enrollment in college-credit courses	Requires ubot to establish policy regarding repeated enrollment in college-credit courses	<p>Repeal as it pertains to universities.</p>	<p>Needs further review to determine the role of the BOG and Legislature with respect to tuition and fee authority. - OPB</p> <p>09/05</p>

Summary of Review Comments

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments
SBE; SU	1009.29	Increased fees for funding financial aid programs	Requires that student tuition and registration fees at each state university include specific amount. Requires that if Division of Bond Finance of SBE and commissioner determine that fees are no longer required, certain moneys previously collected, after certain expenses and certain amount has been used to establish financial aid data processing system for state universities, be reallocated to generating institutions for certain purposes.	Review all bonding provisions to differentiate the proper roles of BOG, UBOT and SBE. Repeal as it NC- DBF 12/6/05 Needs further review to determine the role of the BOG and Legislature with respect to tuition and fee authority. - OPB 09/05	
SBE; SU	1009.40	General requirements for student eligibility for state financial aid	Student may attend a state university. References "accrediting agency recognized by the SBE". Residency must be established pursuant to rules of the SBE.	Recommend adding BOG to 1(a)1, 2.	
SBE	1009.41	State financial aid; students with a disability	Requires SBE to establish criteria for documentation of disability.	No change	
SBE; SU	1009.42	Financial aid appeal process	Requires SBE to adopt process by rule. Requires president of each state university to establish an appeals process.	No change	
SU	1009.44	Need-based financial aid; no preference to students receiving other aid	Refers to financial aid revenues at state universities and other funds appropriated by the Legislature and designated for need-based aid.	Strike language related to state university financial aid fee revenues.	
SBE; SU	1009.50	Florida Public Student Assistance Grant Program; eligibility for grants	Requires the program to be administered by participating institutions in accordance with SBE rules. Ties award amount to tuition and fees at state universities. Requires recipients to attend a state university or community college. Requires SBE to approve distribution formula for funds.	DOE: Awaiting further comment. SUS: No review needed.	
SBE	1009.53	Florida Bright Futures Scholarship Program	Requires DOE to administer program according to rules and procedures of SBE.	DOE: Review for role of BOG in (3). SUS: No change.	
SBE	1009.531	Florida Bright futures Scholarship program; student eligibility requirements for initial awards	Refers to rules of the SBE re residency.	DOE: Review for role of BOG in (1)(a). SUS: No change.	
BOR; SBE	1009.537	Eligibility for the Florida Bright Futures Scholarship Program; transition	References courses adopted by BOR and recommended by SBCC	DOE: Review. Potential technical change. Speaks to a transition that has already occurred. SUS: No change.	

Summary of Review Comments

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments
SBE; SU	1009.57	Florida Teacher Scholarship and Forgivable Loan Program	Requires SBE to adopt rules to administer program and to annually identify critical teacher shortage areas. Permits scholarship to be used at a state university. Requires SBE to adopt repayment schedules and interests rates. Requires SBE to identify "high density, low-economic urban schools" and "low-density, low-economic rural schools."	Review for role of BOG in (1), (3)(c)1.	
SBE	1009.58	Critical teacher shortage tuition reimbursement program	Requires SBE to adopt rules to administer program. Requires SBE to determine eligible courses.	Review for role of BOG in (2).	
SBE	1009.59	Critical teacher Shortage Student Loan forgiveness Program	Requires SBE to annually identify critical teacher shortage areas. Authorizes SBE to adopt rules to administer the program.	Review for role of BOG in (4).	
SBE; SU	1009.68	Florida Minority Medical Education Program	Requires DOE to administer program in accordance with SBE rules. Minority students at UF, USF, FSU, UM, and NOVA are eligible to participate.	Review for role of BOG in (1), (7).	
SU	1009.77	Florida Work Experience Program	Permits certain students attending a state university to participate in the program.	Review for role of BOG in (7).	
SBE; SU	1009.891	The Access to Better Learning and Education Grant Program	Requires SBE to adopt rules for administering the ABLE program. Excludes state universities from participation in the ABLE program.	No change	
SBE	1009.90	duties of DOE	Requires DOE to administer rules adopted by the SBE. Requires DOE to report annually to SBE ad Legislature recommendations for the distribution of state financial aid funds.	Recommend adding BOG to (9) and (12).	
SBE	1009.91	Assistance programs and activities of the department	Requires DOE to maintain records on student default rate of each postsecondary institution and submit annual reports to SBE	Recommend adding BOG to (4).	
SU	1009.971	Florida prepaid college board	Authorizes Prepaid Board to establish agreements with state universities.	Technical correction to change "Deputy Commissioner" to "Chancellor."	
SU	1009.98	Florida Prepaid College Program	Requires cost of contracts to be based on current and projected registration and housing fees in SUS. Permits state universities to designate residence halls.	No change	
SBE; SU	1010.01	Uniform records and accounts	References universities under supervisions of SBE. Requires preparation and maintenance of financial records and accounts as prescribed by law and rules of the SBE.	Recommend adding BOG to (1).	
SBE; UBOT	1010.011	Definition	Includes New College "under the supervision of the SBE" in definition of terms – university, universities, and university boards of trustees.	Repeal in light of 1000.21(6), F.S.	

Summary of Review Comments

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments
SBE 1010.02	Financial accounting and expenditure		Requires funds accruing to university to be received, accounted for, and expended in accordance with law and rules of the SBE.	Recommend adding BOG.	
SBE: UBOT 1010.04	Purchasing		Requires ubot to make rules re purchasing		Repeal - adequately covered in 1001.74 - SUS 09/05
SBE: UBOT 1010.07	Bonds or insurance required		Requires ubot to ensure that certain persons/contractors are bonded		Candidate for repeal with respect to mention of universities. Alternatively, recommend adding BOG to (1), (4).
SBE 1010.09	DSO		Requires school district, CC, and university DSO to be organized and conducted pursuant to law and SBE rule as applicable.	Recommend adding BOG to (2).	Repeal as unnecessary because of 1004.28 - SUS 09/05
SBE 1010.30	Audits required	Board of Administration to act as fiscal agent in issuance and sale of motor vehicle anticipation certificates	References school districts, community colleges, and universities under the supervision of SBE. Subjects such institutions to audit requirements of ss. 11.45 and 218.39.	Recommend adding BOG.	
SBE 1010.56	Procedure for determining number of instruction units for community colleges		Permits SBA to act as fiscal agent upon request of SBE	No change	NC- DBF 12/6/05
SBE 1010.58			Permits SBE to define FTE in rule	No change	
SBE 1010.59	Interest rates		Permits SBE to determine interest rates on certain bonds	Recommend adding BOG. Recommend review by bond counsel.	NC- DBF 12/6/05 No change recommended - SUS 09/05
SBE 1010.60			Permits SBE to request issuance of bonds supported by capital improvement fee, building fee or other revenue approved by the Legislature for facilities construction. Permits SBE to approve issuance of bonds by university DSOs.		Repeal and create new section relating to revenue bonds and debt for state universities. - DBF 12/6/05 Replace SBE with BOG. This was originally 240.2093, exclusively a BOR statute. - SUS 09/05

Summary of Review Comments

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments
SBE	1010.61	Powers	Authorizes SBE to carry out s. 1010.60; to borrow money pursuant to State Bond Act; to issue interest-bearing revenue certificates and other indebtedness to acquire projects approved by Leg; to pledge TFS and combine funds to secure revenue certificates; to adopt rules.	Recommend review by bond counsel. Review all bonding provisions to differentiate the proper roles of BOG, UBOTS, and SBE.	Repeal and create new section relating to revenue bonds and debt for state universities. - DBF 12/6/05 Sections 1010.61-619 were originally found in chapter 243 in which the term "institution" was defined to mean "any institution under the jurisdiction of the Board of Regents". Accordingly, it is recommended that SBE be replaced with BOG in these sections. - SUS 09/05
SBE	1010.611	Resolution for issuance of revenue certificates	Provides that issuance of revenue certificates under Part IV of ch. 1010 and the State Bond Act must be done by resolution of the SBE	Recommend review by bond counsel. Review all bonding provisions to differentiate the proper roles of BOG, UBOTS, and SBE.	Repeal and create new section relating to revenue bonds and debt for state universities. - DBF 12/6/05 Replace SBE with BOG - SUS 09/05
SBE	1010.612	Powers to secure revenue certificates	Provides SBE with certain powers in connection with the issuance of revenue certificates	Recommend review by bond counsel. Review all bonding provisions to differentiate the proper roles of BOG, UBOTS, and SBE.	Repeal and create new section relating to revenue bonds and debt for state universities. - DBF 12/6/05 Replace SBE with BOG - SUS 09/05
SBE	1010.613	Remedies of any holder of revenue certificates	Permits holders of revenue certificates to enforce rights against SBE.	Recommend review by bond counsel. Review all bonding provisions to differentiate the proper roles of BOG, UBOTS, and SBE.	Repeal and create new section relating to revenue bonds and debt for state universities. - DBF 12/6/05 Replace SBE with BOG - SUS 09/05
SBE	1010.614	Validity of revenue certificates	References officers of the SBE	Recommend review by bond counsel. Review all bonding provisions to differentiate the proper roles of BOG, UBOTS, and SBE.	Repeal and create new section relating to revenue bonds and debt for state universities. - DBF 12/6/05 Replace SBE with BOG - SUS 09/05

Summary of Review Comments

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments
SBE 1010.615	Prohibitions against obligating state	Prohibits SBE from obligating the State or Legislature	Revenue certificates are obligations of SBE – not a bond or debt of the state; not enforceable against the state	Recommend review by bond counsel. Review all bonding provisions to differentiate the proper roles of BOG, UBOTs, and SBE.	Repeal and create new section relating to revenue bonds and debt for state universities. - DBF 12/6/05 Replace SBE with BOG - SUS 09/05
SBE 1010.616	Revenue certificate obligations of SBE			Recommend review by bond counsel. Review all bonding provisions to differentiate the proper roles of BOG, UBOTs, and SBE.	Repeal and create new section relating to revenue bonds and debt for state universities. - DBF 12/6/05 Replace SBE with BOG - SUS 09/05
SBE 1010.617	Tax exemption and eligibility as legal investments		Exempts properties, revenues, or other assets of SBE for which revenue certificates are issued from taxation	Recommend review by bond counsel. Review all bonding provisions to differentiate the proper roles of BOG, UBOTs, and SBE.	Repeal and create new section relating to revenue bonds and debt for state universities. - DBF 12/6/05 Replace SBE with BOG - SUS 09/05
SBE 1010.619	Board of Administration to act as fiscal agent		Permits SBE to request SBA for advice re fiscal sufficiency of proposed revenue certificate. Permits SBA to take over administration and invest.	Recommend review by bond counsel. Review all bonding provisions to differentiate the proper roles of BOG, UBOTs, and SBE.	Repeal and create new section relating to revenue bonds and debt for state universities. - DBF 12/6/05 Replace SBE with BOG - SUS 09/05
SBE 1010.86	Administration of capital improvement and building fees trust funds	Direct SBE to administer the Capital Improvement Fee Trust Fund and Building Fee Trust Fund.		Review. Recommend amending to reflect current process. BOG approves SUS budget and submits to SBE for inclusion in K-20 budget. Alternatively, may add pursuant to ss. 1001.02 and 1001.701 at beginning of (1). Recommend adding BOG to (2) and (3); recommend replacing Commissioner with DOE in (3).	
SBE; SU; UBOT 1011.01	Budget system established		Requires SBE to prepare and submit a K-20 budget to Gov and Leg. Establishes a budget system in each university as prescribed by law and rule of SBE. Requires ubot to prepare, adopt, and submit operating budget to COE. Obis must be submitted in accordance with law, rules of SBE, and GAA.		

Summary of Review Comments

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments
SBE	1011.011	legislative capital outlay budget request	Requires SBE to submit a comprehensive budget request for facilities for school districts, CCs, and SUS	Review. Recommend amending to reflect current process. BOG approves SUS budget and submits to SBE for inclusion in K-20 budget. Recommend adding BOG to (2) and (3); recommend replacing Commissioner with DOE in (3).	Recommended changes ok except statute does not have sections (2) or (3). - OPB 09/05
SBE; SU; UBOT; UP	1011.40	Budgets for universities	Requires SBE to provide instructions, guidelines, and standard formats to be used by each university. Requires each ubot to adopt an operating budget as prescribed by law and rules of the SBE. Requires university president to prepare and implement operating budget as prescribed by law, SBE rules, policies of ubot, and provisions of GAA. Expenditures governed by rules of SBE. Requires SBE to distribute appropriated funds to universities twice monthly. Permits EOG to modify distribution schedule as needed.	Review. This provision relates to a historical event and, thus, may not need replacement of SBE by BOG, but might be deleted. If not deleted, then recommend replacing SBE with BOG and removing "colleges" from (1).	
SBE; SU; UBOT	1011.4105	Transition from state accounting system (FLAIR) to university accounting system	References "universities and colleges under the supervision of the SBE". Permits transition from FLAIR to university accounting system. Requires ubot to submit plan developed with CFO for transition from FLAIR to SBE. Requires SBE to verify that university system is adequate, etc. when university is ready to transition. Requires SBE, DFS, and university to develop plan and deadline for all universities to transition from FLAIR. Requires SBE to submit plan to EOG and the chairs of the appropriations committees in the Senate and House.	Review. This provision relates to a historical event, but might be deleted.	
SU; UBOT	1011.4106	Trust fund dissolution	Appropriates unexpended balances of trust funds and requires expenditure of such funds to be included in ubots' approved operating budget	Review. This provision relates to a historical event, but might be deleted.	
UBOT; UP	1011.42	University depositories; deposits into and withdrawals from depositories	Requires ubot authorization to transfer funds and sign checks. Permits UP to transfer funds from one depository to another	No change	
UBOT	1011.43	Investment of university agency and activity funds; earnings used for scholarships	Requires ubot to provide procedures for administration of scholarships and loans	No change	

Summary of Review Comments

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments
SBE; SU; UP 1011.48	Establishment of educational research centers for child development		Requires UP approval for SGA to establish educational research centers for child development. Requires SBE approval of fees to be charged. Authorizes SBE to promulgate rules re educational research centers.	DOE: Replace SBE with BOG in (3) and (4). Delete language in (4) directing promulgation of rules. Delete SBE in (5). SUS: Repeal (1), (2), (3) & (4). Revise (5) to replace SBE with BOG. "Each educational research center for child development established by a state university shall be funded ..."	
UBOT 1011.49	Assent to Smith-Lever Act; university boards of trustees authorized to receive grants		Authorizes UBOT and FAMUBOT to receive certain grants	No change	
SBE 1011.80	Funds for operation of adult technical education programs		Relates to funding for workforce development education offered by school districts and community colleges. Requires instruction designed to articulate into a degree program to be subject to guidelines and stds adopted by the SBE pursuant to s. 1007.25. Requires SBE and WFI to make recs to legislature re performance funding. Requires SBE to adopt rules to administer section.	No change	
SBE; SU 1011.90	State university funding		Provides for state funding of each university, based on enrollment and program costs, and includes certain categorical funds. Requires SBE to establish cost estimating system and for universities to abide by reporting procedures set forth by SBE.	(2) - Remove reference to s. 1009.24 (which was recommended for repeal); (4) - replace SBE with BOG	
SBE; UBOT 1011.91	Additional appropriation		Appropriates certain funds to university collecting the money to be expended as UBOT directs. Gives SBE approval authority over spending.	Review. Recommend repealing to the extent statute seeks to appropriate solely private state university system funds.	No change recommended - SUS 09/05
SBE; SU 1011.94	Trust Fund for University Major Gifts		Establishes trust fund for university major gifts. Gives SBE authority for program and approval of allocations to universities.	Revise; remove references to New College Foundation; replace SBE with BOG in (1), (2), (3)(a), (3)(c), (5)(a), (5)(b), (5)(c)	
SBE 1012.01	Definitions		Provides general K-20 system definitions. Defines school officers of the state education system to include only SBE, Commissioner and district boards and superintendents.	No change	

Summary of Review Comments

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments
SBE	1012.39	Employment of substitute teachers, teachers of adult education, nondegree teachers of career education, and career specialists; students performing clinical field experience	Requires district school board to set minimum qualifications for certain instructional personnel, including students enrolled in a teacher education program at a postsecondary institution approved by SBE rule.	No change	Replace DCU with BOG. - SUS 09/05 Permit employees who were enrolled prior to 6/30/02 to continue participation as long as employed by BOG, DOE, or SU without a break in continuous service. - OPB 10/24/05
SBE	1012.80	Participation by employees in disruptive activities at public postsecondary educational institutions; penalties	Deems employees of public postsecondary institutions to have consented to anti-disruption policies of their institution. SBE and state law	Recommend amending (1) to add BOG.	
SU	1012.801	Employees of DCU	Employees of the Division of Colleges and Universities of the Department of Education who are participating in the State University Optional Retirement Program Prior to June 30, 2002, shall be eligible to continue such participation as long as they remain employees of the Department of Education or a state university without a break in continuous service.	DOE: No review needed. SUS: (1) "Each university board of trustees shall prescribe the content..."	No change recommended - SUS 09/05
SU; UBOT	1012.91	Personnel records	Requires UBOT to adopt rules prescribing content and custody of limited-access records	DOE: Recommend replacing SBE with BOG in (2). SUS: Repeal.	Repeal - unnecessary. - SUS 09/05
SBE; SU; UBOT	1012.92	Personnel codes of conduct; disciplinary measures; rulemaking authority	Authorizes UBOT to adopt by rule codes of conduct, discipline, and penalties for employees. Refers to sanctions allowed by SBE rule.	Gives SBE rulemaking to require SUS and New College Review. Recommend repeal. BOG has a rule on this subject.	
SBE; SU	1012.93	Faculty members; test of spoken English			

Summary of Review Comments

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments
SBE; SU; UBOT	1012.94	Evaluations of faculty members; report	Requires UBOT to ensure certain policies are implemented relating to service in public schools by faculty members. Requires SBE to establish criteria for evaluating faculty service to public schools.	Review. Recommend repeal except to the extent BOG agrees with this provision. Alternatively, replace SBE with BOG.	
none	1012.945	Required number of classroom teaching hours for university faculty members	Requires minimum classroom contact hours for faculty paid solely out of state funds. Requires UBOT to evaluate president in achieving annual equity goals and objectives. Requires UBOT to submit annual report to Legislature and SBE. Requires UBOT to approve budgetary incentive plan to support and ensure attainment of goals. Requires UP to submit annual equity report to CCE and SBE. Requires progress in achieving goals to be a factor in evaluation of UP. Requires UP to review and approve budgetary incentive plan.	SUS: Repeal; governed by collective bargaining agreements.	
SBE; SU; UBOT; UP	1012.96	University employment equity accountability program		Review. Recommend replacing SBE with BOG in (2)(a), (3)(a)-(b), (4), (5). May delete COE.	
SU	1012.97	University police	Directs universities to establish university police departments.	Revise (6) to require the universities to establish a written policy manual which shall be furnished to each university police officer. Delete provisions relating to concurrence with Dept. of Law Enforcement, and requiring university to adopt rules.	
SU; UP	1012.975	Remuneration of state university presidents; limitations	Caps annual remuneration from public funds	No change	
SBE; SU	1012.98	School Community Professional Development Act	Requires participation of SJUS and involvement of state university faculty, gives rulemaking to SBE.	No change	

Summary of Review Comments

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments
SBE; UBOT	1013.01	Definitions	Includes UBOT in the definition of "board" for purposes of ch. 1013 – Educational facilities	DOE: Exclude BOG from definition of "Board" in (3). Review to decide whether to exclude UBOT from definition of "board" and specifically include where needed, or retain in definition and specifically exclude where necessary. SUS: Exclude BOG & UBOT's from the term "board" unless specifically referenced. Create new section to include BOG functions, picking UP functions such as those in 1013.03(2), (7), & (11), 1013.14(1)(a), 1013.16(1), if necessary for receipt of P&M & 1013.18(2).	Review. Add BOG to (2) to recognize its rulemaking authority with respect to the SUS.
SBE	1013.02	Purpose; rules	Gives SBE rulemaking power over Chapter 1013 - Educational Facilities.	Review to determine extent of university participation in this section. Alternatively, include university requirements in separate section. Consult with bond and facilities counsel.	Add BOG to (4) with respect to universities.
SBE; UBOT	1013.03	Functions of the department	Gives DOE overall general authority for setting facility standards, including classroom utilization levels.	If UBOT is removed from definition of "board" under 1013.01, then repeal (3) because university leasing provisions covered in 1013.171.	
SBE	1013.12	Casualty, safety, sanitation, and firesafety standards and inspection of property	Gives SBE authority to make rules prescribing standards for safety and health of occupants of educational and ancillary plants constructed per 1013.37.		
SBE; UBOT	1013.15	Lease, rental, and lease-purchase of educational facilities and sites	Requires lease agreements entered into by UBOT to comply with s. 1013.171		
SBE	1013.17	University leasing in affiliated research and development park	Gives SBE approval of exemption of SUS from certain state purchasing laws for leasing in research/development parks.	Replace SBE with BOG	

Summary of Review Comments

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments
SBE; UBOT	1013.171	University lease agreements; land, facilities	Authorizes UBOTS to enter into certain lease agreements if they comply with SBE systemwide strategic plan.	DOE/SUS: Replace SBE with BOG in (1) and (2). SUS: (2) add "eventual ownership of the completed facilities by the state or UBOT." (2) - "lease, purchase or lease-purchase"(3) - delete "income-producing", add "Each UBOT shall prescribe such policies & procedures as are necessary to carry out the provisions of this section." (SUS additional comments not governance related).	
SBE	1013.19	Purchase, conveyance, or encumbrance of property interests above surface of land; joint occupancy structures	Gives UBOTS power to convey or lease airspace or interests in property above land; provides that new facilities must be approved by the Leg; provides that no interest in property owned by SBE may be may not be divested without SBE approval.	DOE: No review needed. SUS: Add UBOT's to "boards" (if removed from 1013.01 definition).	
SBE; UBOT	1013.25	When university or community college boards of trustees may exercise power of eminent domain	Requires SBE approval of eminent domain power by UBOT or CCBOT.	Recommend adding BOG for universities.	
SBE; UBOT	1013.28	Disposal of property	Requires disposal of surplus property in accordance with ch. 273 and subject to SBE rules.	Add BOG to (1). Consult with state property lawyer and bond counsel.	
SBE; UBOT	1013.30	University campus master plans and campus development agreements	Requires UBOT to prepare and adopt a campus master plan. Provides for dispute resolution, review process. Requires UBOT to develop a campus development agreement. Gives SBE rulemaking authority over development of campus master plans.	Replace SBE with BOG in (4), (13)(b), and (22). Need transition language to clarify impact on existing agreements.	No change recommended - all sections needing amendments addressed in 2005 (HB517) - SUS 09/05 No change needed because statute amended by 2005-284, L.O.F. - OPB 09/05

Summary of Review Comments

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments
SBE; SU; UP	1013.31	Educational plant survey; localized need assessment; PECO project funding	Requires UP to certify project's compliance with requirements for expenditure of PECO funds prior to release of funds; gives SBE rulemaking authority over surveys.	Construct a similar provision for the SUS & BOG for new section; also incorporate 1013.32. Alternatively, Add BOG in (1)(a) and (c). Replace DCU with DOE the first two times and the final time with BOG in (b).	Replace DCU with BOG. - SUS 09/05 Amend (1)(b) to delete "college" from line 2 of title. Amend (1)(b)4 to delete three references to "college and" from first line and "Division of Colleges and Universities" with "Board of Governors". - OPB 10/24/05
UP	1013.371	Conformity to codes	Places duties on boards regarding conformity with building and fire prevention codes. Allows all boards to submit facility construction or related plans to DOE for approval.	Include UBOTs if specifically excluded from "board" definition in 1013.01, otherwise no change needed.	
SBE	1013.45	Educational facilities contracting and construction techniques	Allows a board to purchase architectural services, notwithstanding the competitive procurement provisions of 287.055, under an existing contract held by a school board if the services conform to SBE rule.	Include UBOTs if specifically excluded from "board" definition in 1013.01, otherwise no change needed.	
SBE	1013.46	Advertising and awarding of contracts; prequalification of contractor	Provides guidelines for advertising and awarding contracts for educational facilities. Requires boards to prequalify bidders according to SBE rule.	Add BOG to (2).	
SBE	1013.47	Substance of contract; contractor to give bond; penalties	Requires boards to develop contracts in compliance with Ch. 1013 and public facilities laws. Provides penalties for contractors who do not perform to according to plan or SBE rule.	Add BOG.	
SBE; SU; UBOT	1013.52	Cooperative development and joint use of facilities by two or more boards	Authorizes participation of UBOTs in joint-use facilities; requires assessment by COE and approval by COE or SBE as appropriate. Requires additional approvals by COE.	Review – add BOG to (1)(a), (c), (d) and (3). Alternatively, replace commissioner with department.	
UBOT	1013.60	Legislative capital outlay budget request	Requires UBOT to submit a 3-year facilities and capital outlay plan to COE.	Recommend revising to reflect the practice of the BOG and SBE to prepare capital outlay budgets.	

Summary of Review Comments

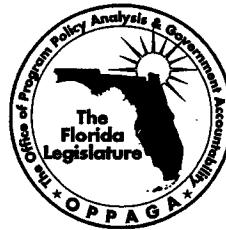
Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments
SBE	1013.63	University Concurrency Trust Fund	Creates the fund within DOE and gives oversight to SBE for funding university offsite improvements to meet concurrency standards. Terminates July 1, 2007.	Replace SBE with BOG in (2).	
SBE; UBOT	1013.64	Funds for comprehensive educational plant needs; construction cost maximums for school district capital projects	Permits UBOTs to use funds for replacement of minor facilities provided project does not exceed \$1m. Provides that funds will be provided to UBOTs based on 3-year priority list submitted by SBE. Permits UBOTs to lease relocatables under certain conditions. Provides guidelines for UBOTs to receive funds for remodeling, renovation, maintenance and repairs, and site improvement	Include UBOTs if specifically excluded from "board" definition in 1013.01. Add BOG in (4)(a) for universities. Replace commissioner with department.	
SBE; UBOT	1013.65	Educational and ancillary plant construction funds; Public Education Capital Outlay and Debt Service Trust Fund; allocation of funds	Gives COE/DOE administrative authority over PECO TF. Allows UBOTs to participate; provides guidelines for participation.	Either incorporate these provisions into separate sections for the BOG or, alternatively, add BOG to (1).	
SBE	1013.67	Commissioner to provide for encumbrances of funds	Requires COE to provide timely encumbrances of funds for authorized projects.	Review. Consult with bond counsel to decide whether BOG should be added.	NC- DBF 12/6/05
SBE	1013.70	The 1997 School Capital Outlay Bond Program	Provides for use of revenue bonds from lottery revenues transferred to the Educational Enhancement Trust Fund for construction, renovation, etc., of educational facilities.	Review. Consult with bond counsel to decide whether BOG should be added.	NC- DBF 12/6/05
SBE; UBOT	1013.74	University authorization for fixed capital outlay projects	Requires UBOT to assess existing facilities to identify extent to which each campus has public hurricane evacuation shelter space; gives SBE authority to review and approve project requests by a SU.	Replace SBE with BOG in (3).	
SBE; SU	1013.79	University Facility Enhancement Challenge Grant Program	Creates program to assist SU's to build high priority instructional and research-related capital facilities. Gives SBE authority over TF and construction projects.	Replace SBE with BOG in (3), (7), (11).	
UBOT	1013.82	Contracts of institutions for supplies, utility services, and building construction exempt from operation of county or municipal ordinance or charter	Authorizes UBOT to contract for supplies, utility services, and building requirements without regulation or restriction by municipal or county charter or ordinance	No change	

A&S Fees



The Florida Legislature

OFFICE OF PROGRAM POLICY ANALYSIS AND
GOVERNMENT ACCOUNTABILITY



Gary R. VanLandingham, Director

MEMORANDUM

DATE: January 24, 2006

TO: Betty Tilton, Staff Director, House Committee on Colleges and Universities

FROM: Jane Fletcher, Staff Director, OPPAGA

RE: Activity and Service (A&S) Fees at State Universities

As requested, this memorandum provides background information on statutory requirements for Activity and Service (A&S) fees, how much is assessed in A&S fees at each university, the processes used to allocate A&S fees, and general information on the types of entities that received A&S fees at each university in Fiscal Year 2004-05. In addition, OPPAGA is completing a review of A&S fees at community colleges and universities which will provide additional information.

University A&S Fee Statutory Requirements and Limits

Universities are authorized to establish separate A&S, health, and athletic fees as a part of tuition (Section 1009.24(8), *Florida Statute*). The law requires that the A&S funds be retained by the university and paid into a separate A&S fee fund.

Florida law caps the total student fee amount universities may charge at 40% of the tuition established in the General Appropriations Act (Section 1009.24(3), *Florida Statute*). This 40% total represents the sum of A&S, health, and athletic fees.

A&S fee increases must be recommended by an A&S fee committee, at least one-half of whom are students appointed by the student body president (Section 1009.24(9)(a), *Florida Statute*). The committee's recommendations can take effect only after approval by the university president, after consulting with the student body president, and final approval of the university board of trustees. University A&S fees can only increase once each fiscal year and increases must be implemented beginning in the fall term.

A&S funds must be spent to benefit the student body in general, including, but not limited to, student publications and recognized student organizations with membership open to all students without regard to race, sex, or religion (Section 1009.24(9)(b), *Florida Statute*). The statute also states that A&S fee allocations and expenditures shall be determined by the student government association. The only exception is a provision allowing the university president to veto any budget line item.

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A&S Fees Charged and Collected by State Universities

In 2004-05, university A&S fees ranged from \$7.10 per credit hour at the University of South Florida to \$13.78 at New College. Exhibit 1 shows the amount charged per university for each of the past three academic years. All 11 of the state's universities charged student A&S fees within the statutory limit.

Exhibit 1
A&S Fees Charged Per Credit Hour Vary Among State Universities

State University	2002-03	2003-04	2004-05
Florida A&M University	\$ 10.00	\$ 10.00	\$ 10.00
Florida Atlantic University	10.00	10.00	10.00
Florida Gulf Coast University	9.70	9.70	9.70
Florida International University	9.14	9.14	9.14
Florida State University	7.50	7.50	7.70
New College	13.25	13.25	13.78
University of Central Florida	8.09	8.09	8.09
University of Florida	7.68	8.16	8.26
University of North Florida	10.28	10.28	11.73
University of South Florida	7.10	7.10	7.10
University of West Florida	7.85	8.25	8.75

Source: Florida Board of Governors, Tuition and Fees 2002-2005

The state's university system receives in excess of \$54 million in A&S fees each year. A&S fees collected in 2004-05 ranged from a high of \$10.4 million at the University of Florida to a low of \$332,530 at New College. While university student government associations across the state manage these millions in student A&S fees, they are accountable and report to a university vice president for oversight.¹ As illustrated in Exhibit 2, the state university system collected over \$54 million in A&S fees in each of the last three academic years.

Exhibit 2
**Universities Collected in Excess of \$55 Million in
A&S Fees in Each of the Last Three Years**

State University	2002-03	2003-04	2004-05
Florida A&M University	\$3,323,040	\$3,428,289	\$3,493,330
Florida Atlantic University	5,181,190	5,409,390	5,644,130
Florida Gulf Coast University	1,127,411	1,279,507	1,407,297
Florida International University	7,035,103	7,126,553	7,283,871
Florida State University	7,133,834	7,253,204	7,675,799
New College	287,626	305,180	332,530
University of Central Florida	8,435,073	10,468,600	9,450,710
University of Florida	9,647,746	10,401,667	10,493,724
University of North Florida	3,259,416	3,447,836	4,073,234
University of South Florida	7,544,258	6,908,270	8,012,964
University of West Florida	1,718,015	1,865,007	1,847,570
Total All Universities	\$54,692,712	\$57,893,503	\$59,715,159

Source: OPPAGA Analysis of reported state university total A&S fees collected

¹ New College Student Government is an exception; they are independent in terms of finances and are not in the university's formal organizational structure.

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Allocation Process for A&S Fees

All 11 universities have a formal process for allocating A&S fees among institutional entities. In general, university administrators project the amount of A&S fees that will be collected for the next academic year each January and all universities require student organizations to submit a formal budget request explaining how the funds will be used to receive the funds.

To develop an annual budget, the student government's financial committees review all organizational budget requests and propose a budget based on the projected amount of A&S fees. Nine of the state's 11 universities require organizations seeking A&S funds to make a formal budget request presentation before the student government financial committee or the student government senate prior to budget approval. Eight universities require that a financial representative of the requesting organization complete specific financial training before the organization can receive A&S funds. After budget presentations are held and/or requests are reviewed, the SGA financial committee submits a recommended budget to the student government Senate where a majority vote is required for passage. Once approved by the senate, the budget is sent to the student government president and then to the university president for final approval.

Areas Supported by A&S Fees

As directed by law, student A&S fees must be used to benefit the student body, which includes, but is not limited to, student organizations. All 11 universities reported that A&S fees are used to support student organizations, student unions, general student activities or affairs, and campus recreational activities.

In 2004-05, an average of 33% of student A&S fees allocated system wide went to support student organizations, including student government.² All 11 universities have policies outlining which student organizations are eligible to receive A&S funds. Most universities (10 of 11) require student organizations to formally register with the university in order to be eligible to receive A&S funds.³ The upcoming OPPAGA report will identify the top 10 student organization recipients at each university for each of the past three academic years.

A&S funds not allocated to student organizations (67%) were divided among student unions, student activities or affairs, and campus recreation. Almost every university (9 of 11) used A&S fees to support their university or student life center.⁴ Student activities include campus-wide events such as homecoming or graduation. Student affairs include campus programs like campus volunteer centers, campus art galleries, and career centers. Campus recreation includes intramural sports teams and fitness centers. Five universities also deposit a portion of A&S funds into a reserve account.⁵ Overall, these reserves are used to off-set errors in fund projections.

² The 33% does not include sports clubs or recreational teams as several universities classify those groups under the category of recreation. Student organizations also include agencies, like the Women's Center, African American Student Union, or Graduate Council.

³ New College does not specify that an organization has to be registered with the university, but does provide strict guidelines of how fees can be spent.

⁴ Florida A&M University and University of West Florida did not report allocating any A&S funding to a university center or student union in 2004-05.

⁵ University of Central Florida, University of North Florida, Florida Atlantic University, and the University of South Florida.

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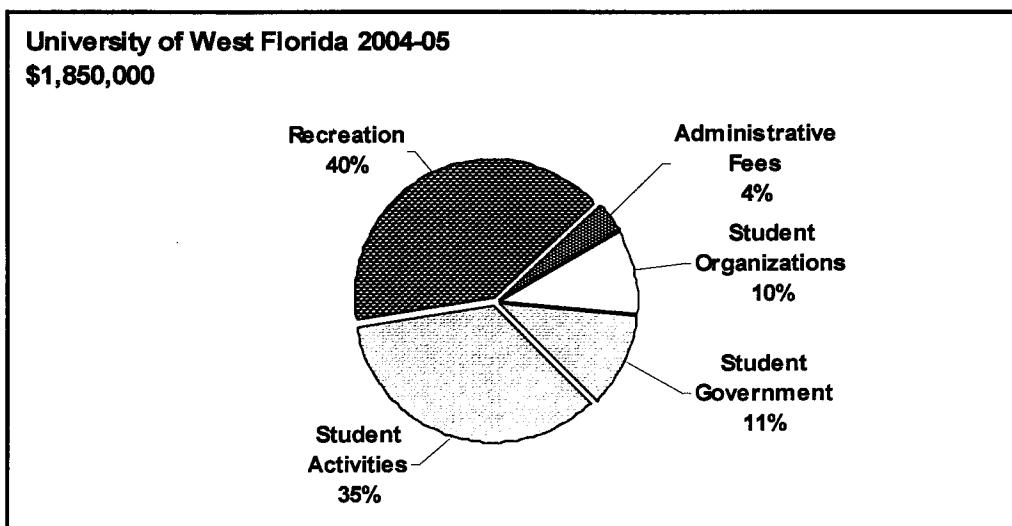
The following appendix provides an overview of A&S fee distribution at each university in 2004-05.

Appendix

The following exhibits provide an overview of A&S fee distribution at each university for the 2004-05 academic year. Each university has allocated its A&S funds differently, but OPPAGA attempted to group the allocations into comparable categories across universities. If a university had a specific classification method that resulted in a different category for that institution it is noted under their exhibit. We grouped funds into the categories shown below:

- Student Organizations: honor societies and organizations such as the Student Nurses Association, the Multicultural Student Association, service organizations, the speech and debate team, and Model UN.
- Student Government Association: Student Government was the top student organization receiving funds. They are separated out from other student organizations.
- Student Affairs: any type of campus-wide program. Examples include career centers, volunteer centers, student legal centers, and art galleries.
- Student Activities: campus activities such as homecoming or graduation.
- Recreation: intramural sports teams, wellness centers, and recreation funds.
- Student Union/Life Centers: any funds associated with the student union building.
- Reserves/Contingencies: any funds classified as reserve, unallocated, or contingency.

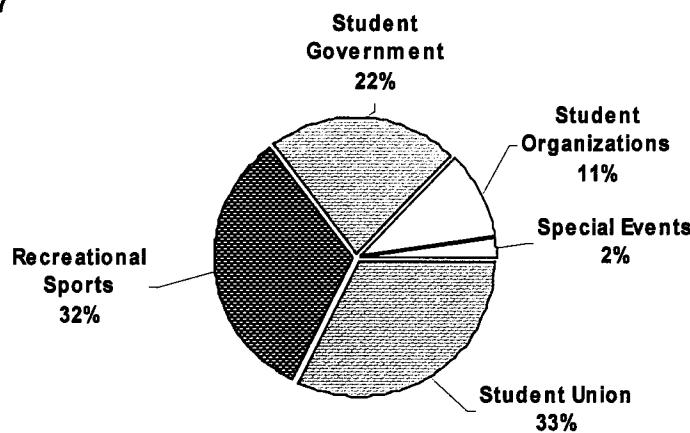
OPPAGA's upcoming A&S fee report will provide an overview of the top 10 student organizations receiving A&S funds for the past three academic years.



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University of Florida 2004-05

\$10,747,237

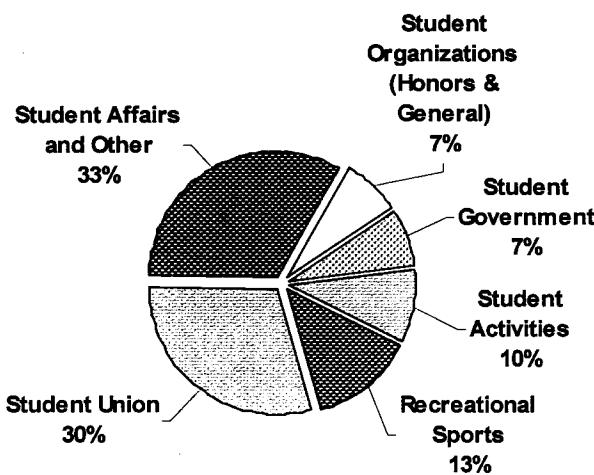


University of Florida used the category of 'special events' to include various campus-wide activities, such as Black History Month, Residence Hall Week, and International Month.

Source: OPPAGA Analysis of reported 2004-05 A&S fee allocation.

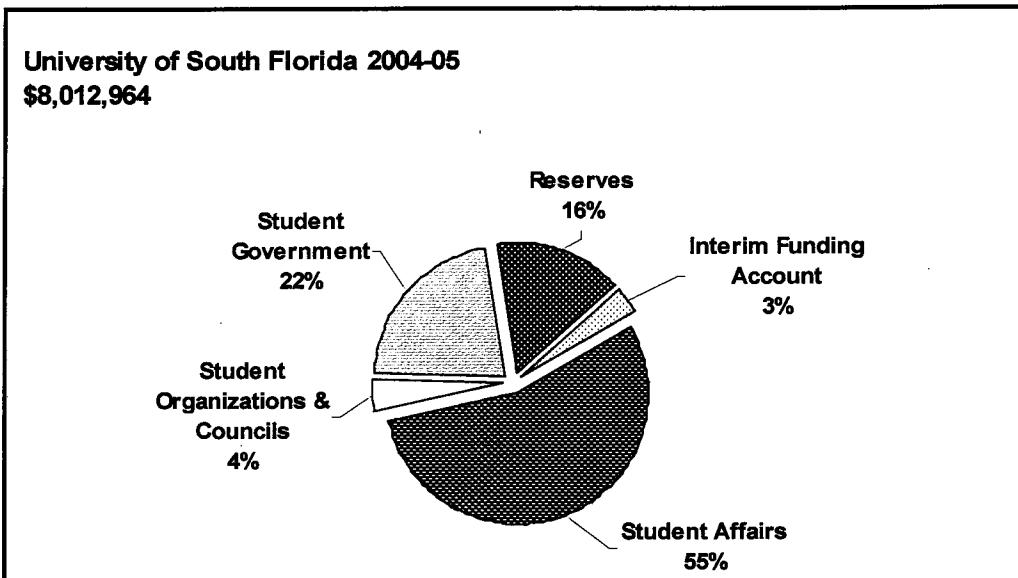
Florida International University 2004-05

\$7,283,871



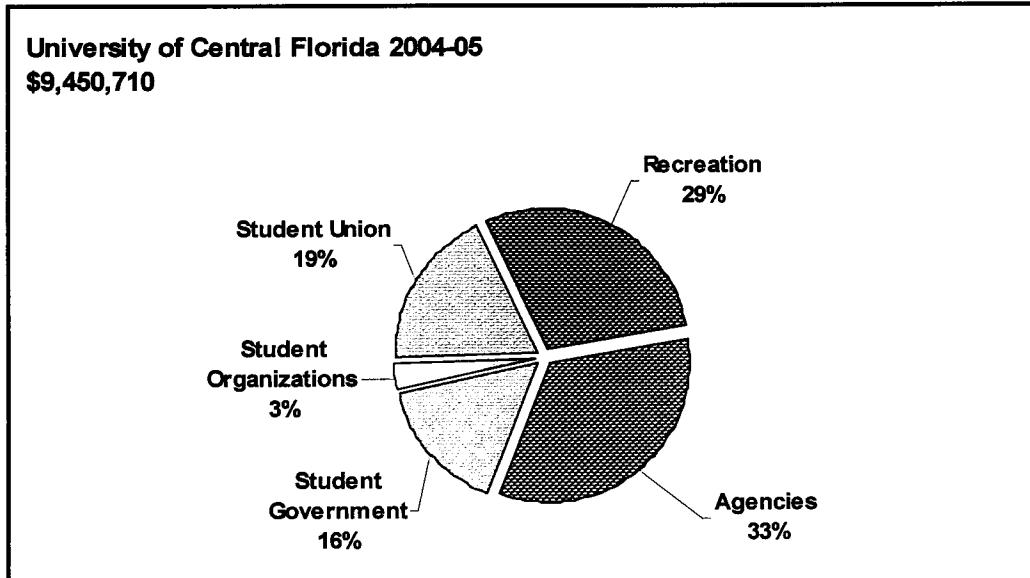
Source: OPPAGA Analysis of reported 2004-05 A&S fee allocation.

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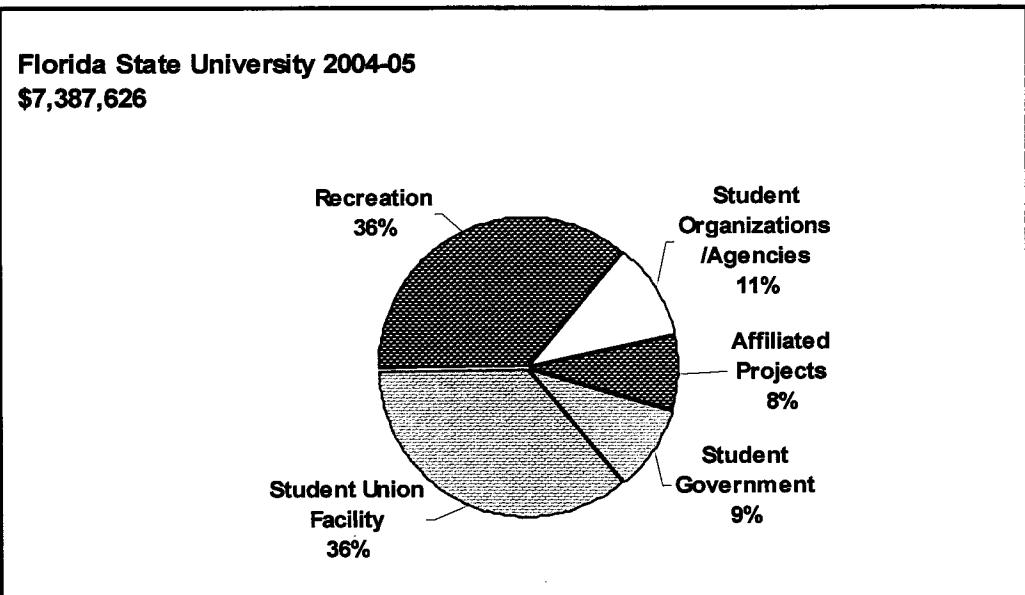
University of South Florida classified student affairs to include: Campus activities, recreation, student center, and student publications. They did not provide a breakdown of this fund. They also have three different reserve accounts: 'Unallocated Reserve', 'Critical Reserve', and 'Marshall Center Enhancement Reserve'. The Unallocated Reserve is A&S funds not allocated during the budget process. The funds in this account are placed in the budget for the next academic year. The Critical Reserve is the student government's emergency fund. The Marshall Center Enhancement Reserve will fund renovations to the university's student center. The interim funding account is available for student organizations to apply for funding throughout the academic year.

Source: OPPAGA Analysis of reported 2004-05 A&S fee allocation.

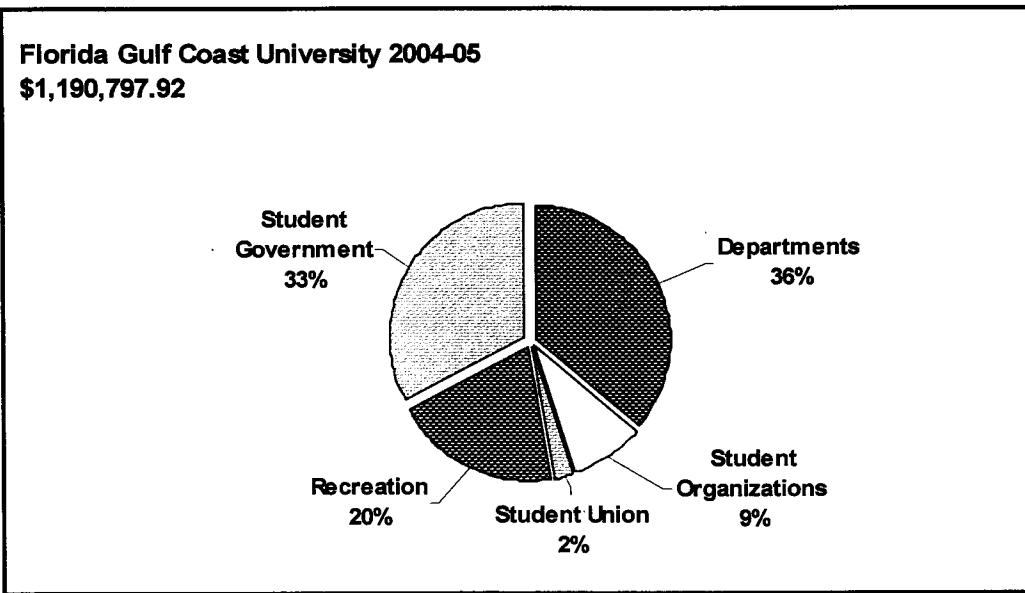


The University of Central Florida classified agencies to include the Campus Activities Board, A&S Fees Business Office, Homecoming, Volunteer UCF, and the Multicultural Center.
Source: OPPAGA Analysis of reported 2004-05 A&S fee allocation.

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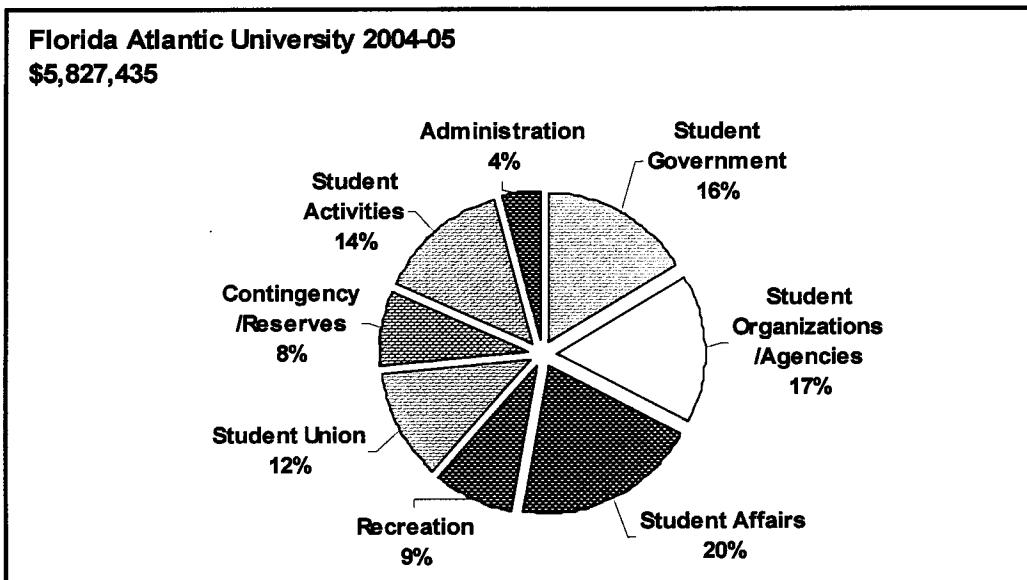


Florida State University classified affiliated projects include homecoming, radio station, campus wide service program, student publications, and off-campus housing programs.
Source: OPPAGA Analysis of reported 2004-05 A&S fee allocation.

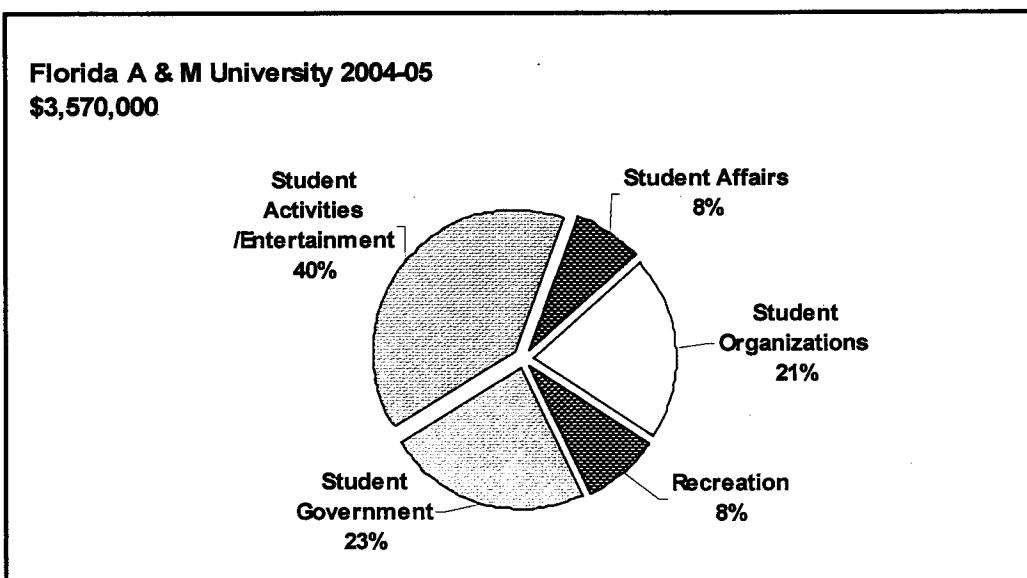


Florida Gulf Coast University classified departments as Student Services, Orientation, Art Gallery, and the Theatre Department.
Source: OPPAGA Analysis of reported 2004-05 A&S fee allocation.

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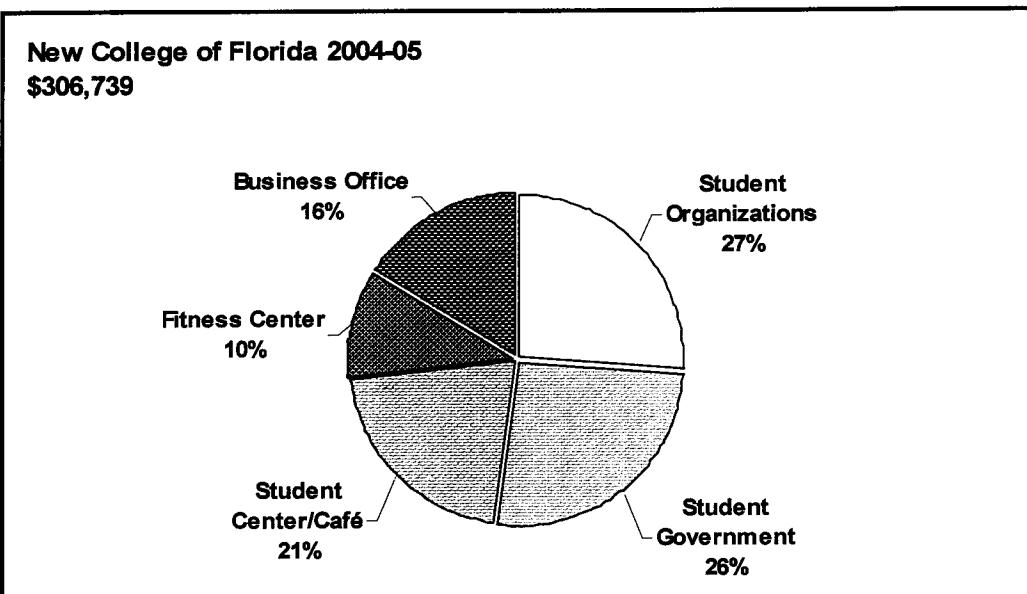
Florida Atlantic University divides A&S fees across four campuses and also allocates funds to a university-wide council. This exhibit represents a total of funds across all campuses.
Source: OPPAGA Analysis of reported 2004-05 A&S fee allocation.



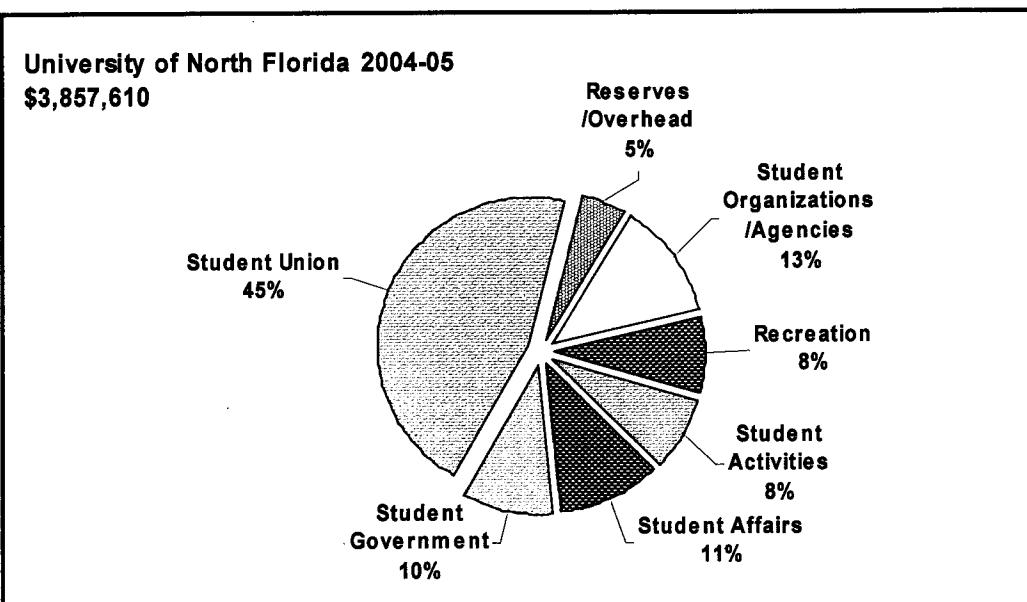
Florida A&M University used a category labeled as general entertainment; it was combined with their student activities total.

Source: OPPAGA Analysis of reported 2004-05 A&S fee allocation.

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Source: OPPAGA Analysis of reported 2004-05 A&S fee allocation.



University of North Florida recently completed a new student union building.
Source: OPPAGA Analysis of reported 2004-05 A&S fee allocation.